JUSTICE AS AN ASPECT OF THE POLIS IDEA IN SOLON'S POLITICAL POEMS

Joseph A. Almeida

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JOSEPH A. ALMEIDA

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TUTA SUB AEGIDE PALLAS · 1683 ·

JUSTICE AS AN ASPECT OF THE POLIS IDEA IN SOLON'S POLITICAL POEMS

A READING OF THE FRAGMENTS IN LIGHT OF THE RESEARCHES OF NEW CLASSICAL ARCHAEOLOGY

BY

JOSEPH A. ALMEIDA

BRILL
LEIDEN · BOSTON
2003

This book is printed on acid-free paper.

Library of Congress Cataloging-in-Publication Data

Almeida, Joseph A.
Justice as an aspect of the polis idea in Solon's political poems : a reading of the fragments in light of the researches of new classical archaeology / by Joseph A. Almeida
p. cm. -- (Mnemosyne, bibliotheca classica Batava. Supplementum, ISSN 0169-8958 ; 243)
Includes bibliographical references and index.
ISBN 90-04-13002-0
1. Solon, ca. 630-ca. 560 B.C.--Poetic works. 2. Political poetry, Greek--History and criticism. 3. Excavations (Archaeology)--Greece--Athens. 4. Politics and literature--Greece--Athens. 5. Athens (Greece)--Politics and government. 6. Justice in literature. I. Title. II. Series.

PA4412.S8Z53 2003
881'01--dc21

20020033030

ISSN 0169-8958
ISBN 90 04 130020

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PRINTED IN THE NETHERLANDS

uxori et liberis optimis

γνωμοσύνης δ' ἀφανὲς χαλεπώτατόν ἐστι νοῆσαι
μέτρον, ὃ δὴ πάντων πείρατα μοῦνον ἔχει.

Sol. 16

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INTRODUCTION

This book is an inquiry into the meaning of δίκη (dike), or 'justice' as it is sometimes translated, in the political poems of Solon. Its origin flows from certain eclectic connections. Early in the twentieth century (1929) the great classical scholar Werner Jaeger suggested in what has since become an influential but controversial essay, "Solons Eunomie," that with this poet of the late Archaic Age the conception of dike became something new and revolutionary in Greek political thought.[1] Controversy aside, the notion is a compelling one, which led to reflection about the relation between Jaeger's assertion and a more recent claim of revolutionary change in the Archaic Age. In 1980 Anthony Snodgrass, one of the early pioneers of a school of scholarship known as new classical archaeology, wrote a book called *Archaic Greece* which began to change the way scholars perceived this period of Greek history. Snodgrass claimed that the Archaic Age was a period of great revolutionary changes in the deep structures of society whose focal point was the newly emergent Greek polis.[2] Moreover, it is a long-standing notion that there is a fundamental connection between dike and the polis[3] and that Solon himself was a prominent expounder of this relationship.[4] Finally, Ian Morris, a student of Snodgrass, has suggested in his book *Burial and Society: the rise of the Greek city-state*[5] that the Athenian crisis of Solon's day was essentially related to a rejection by the Athenian elite of the very idea of the polis form of social and civic organization.

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[1] Jaeger 1966, 90 n. 1. For Jaeger, Solon's dike reflected "a completely new structure in man's relationship to reality."

[2] Snodgrass 1980, 13.

[3] Ehrenberg 1969, 51, held that the idea of dike shaped the fundamental nature of the polis. Manville 1990, 50–51: "The intrinsic importance of justice to the polis likewise appears in the sixth century poetry of Theognis." Nagy 1995, 65 noting that the idea of a city of dike is a great theme in Hesiod's *Works and Days.*

[4] Jaeger 1965, 102: "The long succession of Ionian epigrams and poems which extol Justice as the basis of human society runs from the later portions of the Homeric epics through Archilochus and Anaximander down to Heraclitus . . . The poets of Greece proper, from Hesiod downwards, spoke of Justice in the same tone, and none more clearly than Solon of Athens."

[5] Morris 1987.

Accordingly, the notion suggested itself that an understanding of new classical archaeology's conception of the revolutionary novelty of the polis might illuminate in a new way Jaeger's older, controversial claim that Solon's conception of dike was itself a revolution in thought. Therefore, in particular this book is an inquiry into the meaning of dike in Solon's political poems in light of what Snodgrass and his school have called the polis idea.

Among the forty or so pieces of verse that comprise Solon's fragments, certain ones exhibit, with fair certainty, a political content with some interpretable or useful connection to the idea of dike. Among these are the poems which tradition (ancient and modern) have associated either with Solon's critique of the political turmoil in Athens in the first part of the sixth century or with his work addressing these troubled conditions. Such for example is fragment 36, generally considered to be about Solon's own political reforms. (All references to Solon's fragments in this book are from West's *Iambi et Elegi Graeci*.)[6] Others contain statements about such matters as tyranny, relations between the elite and the demos, or some reference to dike itself. Such, for example, is fragment 11 censuring the Athenians for accepting tyranny.

The poems containing the most important matter for an analysis of the meaning of dike are fragments 4 and 36, the longest, most complete, and most substantive of the extant remains of Solon's political poetry. Fragment 4 revolves in important ways around the personification of justice as the goddess Dike. Fragment 36 contains an account of the application of dike in Solon's measures against the grave political ailments of Athens. Because of the brevity of the other political poems, these two longer fragments afford the best opportunity for insight into Solon's understanding of dike. All the parts of this book, therefore, are ordered to and aim at a reading of these fundamental fragments with a view to what they reveal about the nature of dike as Solon saw it.

The central interpretative principle of this inquiry involves a body of knowledge identified in the scholarly literature as the polis idea. This name comes from the work of the new classical archaeologists. These scholars attempt to go beyond the scope of the traditional discipline to search out causal explanations for important develop-

[6] West 1992.

ments of the past, especially in areas where the historical record is limited or even nonexistent. One such area where the results have attracted notable attention has been the origin, development, and nature of the polis form of social and civic organization in archaic Greece. The polis idea is the name which these scholars give to the essential findings of their researches concerning this newly emergent political form. The polis idea, in this inquiry, becomes a significant tool for reading Solon's political poetry on the theory that it provides the best available objective and external measure for determining the sense of Solon's words, especially as they pertain to the meaning of dike.

The conclusion of the inquiry is that Solon understood dike to be an objective norm of political behavior whose substantive content reflects the essential features of the polis idea. The general argument consists of a discussion of the history of Solon and his work, a consideration of literary approaches to Solon's poetry, an account of the researches of new classical archaeology on the polis idea, a general articulation of the contours of dike in Solon's political poetry, and finally, a specific reading of fragments 4 and 36. Each of these items comprise the subject matter of one of the five chapters of this book. While each chapter stands as a whole with an integrity ordered by its particular subject, each also contributes directly to the final reading of fragments 4 and 36.

In outline the argument goes as follows. The history of Solon is too uncertain to provide an objective standard for the interpretation of the political poems. Literary criticism based predominately on internal criteria leads to eccentric interpretations with uncertain connection to the realities of Solon's actual work. These deficiencies show the need for a more workable objective standard of interpretation. Toward this goal the third chapter develops the content of the polis idea. The fourth chapter outlines an internal poetics of dike for Solon's political poems. The final chapter culminates in specific conclusions about the theoretical and pragmatic meanings of dike as Solon intends them.

Chapter I, "Solon: Historical Sources and Scholarship: What We Do and Do Not Know," is a review of historical scholarship on Solon. It contains a brief comparative treatment of the *Athenaion Politeia*, where it pertains to Solon, and Plutarch's *Life of Solon*. It contains in addition an account of mainly Anglo-American scholarship since W.J. Woodhouse's book *Solon the Liberator*, published in

1938. It serves the purpose of revealing what the principle ancient sources indicate about Solon's work and of organizing a large body of widely conflicting modern scholarship into useful analytic categories. The material is often complex, involving various modes of scholarly disagreement. One reason for this is that the principle ancient sources (besides the fragments themselves) are several hundred years removed from the time of Solon. Despite this complexity the narrative of the text follows as straight a path as possible, with the more knotty particulars relegated to a fairly detailed set of notes and several appendices. Despite its collateral purposes the aim of the chapter is to disqualify the general historical material on Solon as an objective external standard for interpreting the political poems.

Chapter II, "Literary Criticism of Solon's Political Poems after Jaeger," examines some literary critiques of Solon which have acknowledged the limited potency of the historical record as a tool of interpretation. Werner Jaeger was among the first scholars to approach Solon's poetry in this way so that the chapter begins with his famous and controversial essay "Solons Eunomie." Jaeger explicitly deviated from the method of his own teacher Wilamowitz who mined Solons poems as a source of biographical and historical reconstruction. Jaeger was more interested in the poetry as poetry, and therefore he looked away from history and more to the internal logic of the poems. In addition, the essay "Solons Eunomie" makes some very specific conclusions about the meaning of dike in Solon, as one would expect since dike is at the center of much of Solon's poetry. The chapter continues with a recount of several more recent literary critiques from continental scholars whose own approaches to Solon owe a debt to Jeager. Each of these critiques also addresses the issue of Solon's dike. The chapter thus has a unity based around the examination of these exemplars of literary criticism. However, its specific aim with reference to the interpretative goal of this work is to show the limitations of criticism that eschews an objective external standard for reading the poetry in relation to Solon's real work.

Chapter III, "The Polis Idea in the Work of the New Classical Archaeologists," takes up the task of setting out the content of the polis idea which later finds employment as a tool of interpretation. After discussing what new classical archaeology is, the chapter turns to an account of the origin, development, and nature of the polis in archaic Greece. The new classical archaeologists attempt to write a social history of polis formation from the contemporary material

record. Certain aspects of this history turn out to be useful guidance for the interpretation of Solon. In the view of the new classical archaeologists the evolution of the polis was one of the formative factors of the uniqueness of the Archaic Age. This evolution took place within the complex civic and social relations among people which implicated such seminal realities as religion, land ownership, citizenship, egalitarianism, and social divisions such as are described by oppositions like elite and demos, agathoi and kakoi. It involved everything that comes under the notion of participation within political community. That is to say, the development of the polis in Archaic Greece involved precisely the kinds of things that would inform a concept like justice or dike. Moreover, in the opinion of some of the new classical archaeologists, especially Morris, the development of the polis idea in Athens took some peculiar turns whose influence continued into the time of Solon. Furthermore, this development took place during periods, including the time directly preceding Solon's own era, for which there is virtually no historical record. Thus the methods of the new classical archaeology are particularly appropriate for an examination of these ideas, because, focused as they are on the contemporary material record, they avoid one of the chief defects of the historical inquiry. Therefore the polis idea provides a better objective background for an inquiry into Solon's thinking on dike than history based on non-contemporary sources. Although the proposals of the new classical archaeologists are not without controversy, the difficulties at least involve contemporary evidence related to realities which had a direct formative influence on Solon's thinking. Of very specific interest to this formation is the work of Morris on burial patterns in Athens, and therefore an account of his work constitutes one of the most important parts of this third chapter.

Chapter IV, "The Lexicography and Internal Poetics of Dike," gives an account of the traditional lexicography of dike and of the network within the political poems of words, images, and motifs connected with the idea of dike. It is necessary to know the traditional lexicography to determine usage peculiar to Solon. It is a particular conclusion of this inquiry that Solon does not alter the traditional meanings of dike but that his awareness of the polis idea brings overtones of a new focus to the traditional lexicographical senses. The development of the network of dike-related connections is the beginning of the actual interpretation of Solon's poems. As such

these connections form a framework that has its own integral value. The main purpose, however, of such a framework is to organize a logic of connections and relationships which aid a particular interpretation of fragments 4 and 36.

Finally, Chapter V, "Solon's Understanding of Dike in Light of the Polis Idea," contains a specific interpretative reading of Solon's two principle poems. In fragment 4 the image σεμνὰ Δίκης θέμεθλα, the august foundations of Dike, there personified as a goddess, is the key to the meaning of the poem. This image is Solon's poetic representation of the polis idea as he understood it in the context of the real political troubles of his own Athens. It depicts a standard informed by the polis idea in light of which Solon judges the political behavior of citizens in the polis. Through this technique of personification Solon reveals in fragment 4 the foundational sense of dike: it is an objective norm of political behavior reflecting the polis idea. In fragment 36 Solon discusses certain specific applications of dike in his works of political reform. By reading this fragment in light of the foundational meaning developed in fragment 4, it becomes clear that Solon understands his particular applications of dike in this second important fragment as a mechanism of revitalizing the polis idea in Athens.

The inquiry of this book involves history, archaeology, and literary criticism. Within the last quarter century or so scholars have questioned the appropriateness of the traditional application of the methods of these disciplines to a study of the Archaic Age. They began, and their students have continued, to look for answers to these concerns in interdisciplinary approaches to and new kinds of evidence for evaluation of this age. Their efforts proceed from the belief that the Archaic Age was a fundamentally important period of the Greek past, knowledge of which not only helps to illuminate the achievements of the Classical period but may even hold lessons for our own age. The new classical archaeology and the even newer field of cultural poetics are two such attempts to address the concerns raised by these scholars. The inquiry of this book makes use of the first and should be distinguished from the second.

History, strictly speaking, suffers from the absence of contemporary sources. In the case of Solon, for example, modern scholars question the ultimate utility of the kind of meticulous source criticism which scholars like Wade-Gery or Hammond had carried out on texts like the *Athenaion Politeia*. There is a basic lack of confidence

that the sources available are capable of leading to the primary realities of the subject.[7] Joining new classical archaeology to ancient history is one response to this criticism. In 1980 Oswyn Murray announced in the preface to his book *Early Greece* the dependence of his work on archaeology.[8] A decade later Anthony Snodgrass, one of the pioneers and most sensible of the new classical archaeologists, noted that ancient historians no longer write without reference to archaeology and that archaeologists themselves are writing books of ancient history.[9] The goal of this new alliance has been to overcome to the extent possible the deficiency of a fragmentary written record in order to access the primary realities of Archaic Greece, among them the polis idea. Certainly the best of these new scholars believe that they are contributing to the discovery and articulation of fundamental truths about the civic, social, and even intellectual structures of an important period in the history of Greece.[10]

Traditional literary criticism suffers a similar debility due to the fragmentary condition of archaic literature. The state of this evidence is thus held to impede its use as a window to the essential response of the mind of the Archaic Age to the revolutionary changes that were ultimately to shape the genius of the culture. This is the problem that cultural poetics attempts to address. Scholars of this new discipline approach archaic texts through less traditional and postmodern metaphors, such as the cultural anthopologists' "ritualized drama" and the literary theorists' "eloquent text," in an attempt to reconstruct the underlying structures of the age. On the theory that the Archaic Age was "pre-disciplinary" they approach its literature with an interdisciplinary use of history, philology, art history, and archaeology "to constitute the 'text' of the archaic period and read it aright."[11] Despite characteristic epistemological skepticism,

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[7] See, for example, the criticism of Foxhall 1997, 113–114, on applying such approaches to Solon himself.

[8] Murray 1990, 1.

[9] Snodgrass 1991, 1.

[10] Snodgrass certainly wrote *Archaic Greece* (1980) from the conviction that the Archaic Age was "something remarkable" (13) and that the development of the polis was something decisive to the totality of the achievements of the age (85). Murray 1997, 494, goes further perhaps in believing that the polis and the realities which it represents are unique and can serve as a model for modern man. Morris 1987, 202 also believed that his worked uncovered in the polis idea the social origins of egalitarian citizenship.

[11] Dougherty and Kurke, 2–3.

even this postmodern approach proceeds from the belief that the underlying realities of the Archaic Age are important and made the Greeks unique and different.[12]

The approach to reading Solon taken in this inquiry acknowledges some of these same difficulties. Traditional historical method provides insecure background for a specific political interpretation of the text of Solon's political poems (Chapter I). Literary criticism based primarily on the fragments yields variously unsatisfying results (Chapter II). Yet, the notion that Solon's understanding of dike is something new and central to the genius of the Archaic Age is too compelling to abandon in despair. Therefore, the proposal of this book is twofold. New classical archaeology's development of the polis idea can provide a useful external standard to access successfully the primary realities which Solon was addressing. With such a standard, techniques of a literary criticism more traditional and less plagued by the postmodern epistemological doubt of cultural poetics can lead to a discovery of Solon's understanding of dike. Whether this understanding is new and revolutionary remains to be seen.

[12] Ibid., 1.

CHAPTER ONE

SOLON: HISTORICAL SOURCES AND SCHOLARSHIP: WHAT WE DO AND DO NOT KNOW

Preliminaries

In re-constructing a history of Solon scholars are in a fortunate position, unique actually for archaic political figures, because there are original fragments of Solon's own poetry (and possibly genuine fragments of his legislation).[1] However, there is near unanimous agreement that these sources by themselves yield virtually no information from which to construct a history in any proper sense. With respect to the poetry, this is due both to the fragmentary and literary character of the remains.[2] It is a commonplace, of course, that poetry by its nature requires interpretation. Therefore it is critically important at the very beginning of an attempt at a history of Solon to acknowledge that the ancient authorities on the life and works of the man are hundreds of years removed from the events which they recount. This is true not only of the biography proper but also of the political, social, and economic matter which the biography entails. Accordingly, one finds in the voluminous scholarship on Solon not infrequent warnings about the inadequacy of the historical record and numerous recommendations for caution in the articulation of conclusions.[3]

The main written conduits of the tradition are the *Athenaion Politeia* (hereafter *AP*) and Plutarch's *Life of Solon*,[4] the former written

[1] Ruschenbuch 1994, 374. For a discussion of the remnants of Solon's laws see Appendix I.

[2] See Hopper, 139; Hignett, 2; Woodhouse, 98. Contra is Linforth, 7, who suggests that the historical validity of all information derived from ancient authorities must ultimately be judged by how securely they match the information contained in Solon's poems.

[3] Hignett, 31; Sealey 1960, 156 and 158–59.

[4] There are ancient sources older than *AP* which include reference to Solon, from mere mention, e.g. in the fragments of the comic poet Cratinus and Plato's *Timeaus* 20d–21d, to more substantial anecdotes, e.g. in Herodotus I.29, but these sources are incidential to the fuller tradition preserved in *AP* and Plutarch. There

approximately 250 years after the archonship of Solon, the latter written even later in the second century A.D.[5] Utilizing these sources in attempts to reconstruct the history of Solon, scholars have generally exhibited two analytically distinct approaches: 1) critical scrutiny of the written record to elicit an internally consistent and coherent picture of Solon's life and work, and 2) historical reconstruction based upon a priori hypotheses about conditions existing at the time of Solon from pre-monetary agrarian economies to land tenure to the transition to a more global trade economy, with ancillary reference to the historical record. To analyze the state of historical knowledge—what we do and do not know about Solon—one must look first at the data, so to speak, namely, at the tradition transmitted by *AP* and Plutarch and then at the modern scholarship which takes up from the questions which the tradition leaves open.

Section 1: *Solon in the* Athenaion Politeia *and Plutarch's* Life of Solon

The treatment of Solon in *AP* and in Plutarch have different purposes, but this difference does not impede a comparison of the two works for the essential data which they contain on the life and work of Solon. The subject of *AP* is the history of the constitution of Athens from its origins up to the radical democracy of the fourth century. Accordingly, its treatment of Solon is subordinated to this purpose, and it is ordered to an account of his role in Athenian constitutional history.[6] Plutarch's *Life of Solon*, on the other hand, is

are also biographical accounts besides Plutarch's, namely that in the fragmentary ninth book of Diodorus Siculus's *World History*, earlier than Plutarch, and in Diogenus Laertius's *Lives of Philosophers*, i.2, later than Plutarch, and both of little real historical value. See, generally, Linforth, 13–16. For a complete list of ancient references to Solon see Freeman, 219–226. For the Attic orators on Solon see Appendix III. For a full collection of ancient sources on Solon see A. Martina, *Solon, testimonia veterum*, 1968.

[5] For the problem of the sources of *AP*, which are revelvant to Solon, see Rhodes 1993, 15–20. For the sources of Plutarch's *Life of Solon* see Linforth, 16–17 and Ruschenbusch 1994, 375 ff. Ruschenbusch, ibid., 375, suggests that Plutarch had access to a full account of the tradition regarding Solon in the voluminous works of Hermippus, "On the Seven Wise Men" and "On the Lawgivers," along with knowledge of Solon's legislation from Didymus's writings. Portions of *AP* and Plutarch rely upon Atthidographic sources; for the issues which this presents see Appendix I.

[6] *AP* treats preconditions leading up to the time of Solon in chapter 2 and more

a biography of the man, and therefore focuses more broadly on his life, achievements, and the totality of circumstances enveloping his role in Athenian constitutional history. Both texts make use of the poetic and legislative fragments of Solon in setting forth the tradition according to their own specific purposes.[7] Still the tradition of Solon as a lawgiver, specially appointed at time of an acute crisis in Athens' political history, dominates the treatment of the two works. The data which they contain falls into the following general categories: 1) conditions prior to the appointment of Solon as law giver, 2) Solon's relation to these conditions, including, 3) the reason and nature of his special appointment, and 4) his actions directed to the settlement of the crisis.

According to the account of both *AP* and Plutarch the conditions preceding the appointment of Solon were times of severe political instability. While each work develops its own general account of the causes of the instability, both *AP* and Plutarch describe one specific event as a significant precursor to the appointment of Solon, namely, the attempt of Cylon to take over the Athenian government in 632.[8] Cylon, an Olympic victor in 640, had married the daughter of Theagenes, the tyrant of Megara. Funded by his father-in-law, he planned a *coup d'état* of the Athenian state. He consulted the Delphic oracle and was told to make his attempt at the start of a great festival of Zeus, which he took to mean the Olympic festival rather than the festival Diasia. Thus at the beginning of the Olympiad of 632 he obtained a force from Megara and seized the acropolis in Athens with the intention of making himself tyrant.[9] The Athenians coming in from the fields resisted him, blockaded him along with his force in the acropolis, and later turned over the resistance to the

specifically considers Solon and his reforms in chapters 5–12. Chapter 3 is an account of the development of the archonships, and Chapter 4, describing the constitution of Draco is controversial, thought by many to be an interpolation. See the discussion in Rhodes 1993, 84–88.

[7] The authors of both texts quote certain portions of Solon's poems to corroborate the various points they make. However, it is clear to honest observation, that neither author derives his information from the poems, but rather each cites them, in deference, one supposes, to their stature as original sources, when they find portions that, at best, loosely fit, and, more often, do not contradict the tradition which they are advancing.

[8] According to Sealey 1976, 98–99, the traditional date of the attempted *coup* is 632, but for a possible later date see Rhodes 1993, 82 and the sources cited there.

[9] Thuc. 1.126, 3–13.

nine archons, giving them plenary power to deal with the situation. Cylon and his brother escaped, but the rest of his followers remained trapped. After a time, suffering from want of food, the aggressors seated themselves at the altar of the goddess as suppliants and were led out by the archons on the understanding of asylum (in Plutarch's version, keeping a connection with the altar of sanctuary by means of a thread),[10] but were then killed, some as they fled back to the altars and the image of the goddess. Herodotus states that it was the Alcmaeonidae who killed the Cylonians,[11] and Plutarch adds that they were led by the archon Megacles.[12]

The text of *AP* on Cylon is fragmentary, and the only safe inference is that the Cylonian conspiracy was part of the general instability predating the appointment of Solon. Plutarch's account contains the full details of the conspiracy, but the most significant point which he relates for a history of Solon is that Cylon's attempted *coup* was the beginning of a long-term disturbance in Athenian politics,[13] which raised its head again in the time of Solon. Plutarch states that the Cylonian party was again growing strong in the time of Solon and came into conflict with the party of Megacles. He describes this struggle in the language of faction (στασιάζοντες)[14] which for Plutarch was the result of inveterate strife among contending aristocratic families: to wit, a Cylonian and a Megaclean constituency.[15] This notion of intra-aristocratic faction is an area of significant distinction between Plutarch's and *AP's* account of the pre-Solonian instability.[16]

After the Cylonian conspiracy and up to the time of Solon the politics of Athens, according to the account of *AP*, were characterized by continual faction between the rich and the poor, arising from an extreme oligarchic constitution. The rich dominated control of the land. The consequence of this control was a general condition of slavery for the poor. Poor males, along with their wives and their

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10 Plut.*Sol.* 12.3.
11 Hdt. 5.71.
12 Plut.*Sol.* 12.1.
13 Ibid.
14 Ibid., 12.2.
15 Solon mediated between the factions and persuaded the men who incurred pollution from the Cylonian murder to submit to trial by 300 nobles, who reached a decision of expulsion. The selection of Solon as mediator shows that he had already by this time acquired a reputation in public matters. See Plut.*Sol.* 12.2.
16 For a treatment of various kinds of political faction as they relate to the politics of the Archaic Age, see Appendix II.

children, were enslaved to the rich, by being consigned to working their fields "for the rent of a sixth"[17] and known therefore as hectemoroi. Failure to pay this rent subjected the poor and their children to bodily seizure since prior to Solon the person of the debtor was the security for the debt incurred. This condition of enslavement was the most bitter aspect of the oligarchic constitution, but in general the poor did not have a share in anything pertaining to social and political privileges.[18]

Plutarch agrees with *AP* that political conditions in Athens prior to the appointment of Solon were characterized by long-term faction. However, Plutarch describes a two-fold source of strife: one political and one economic. The political dimension has two characteristics. The first is the inveterate infighting between aristocratic families or genê introduced by Plutarch in his account of the Cylonian conspiracy. The second revolves around disagreement over constitutional types, which also had old roots (τὴν παλαιὰν αὖθις στάσιν), and was raising its head again in the time of Solon.[19] He describes a tripartite division based on region, genos, and corresponding constitutional inclination. The genos of the Hills (τὸ τῶν Διακρίων γένος) favored a democratic constitution; the genos of the Plain (τὸ τῶν Πεδιέων) favored an oligarchic constitution; and the Coastal party (οἱ Πάραλοι) favored a middle constitution with a mixture of oligarchic and democratic elements.[20] By placing the source of these particular factions in different genê and by associating them with

[17] This is Rhodes's translation (1984, 43) of κατὰ ταύτην γὰρ τὴν μίσθωσιν at Aris.*Ath.* 2.2, 9.

[18] This paragraph represents a summary of *AP* chap. 2, which in actuality is considerably less clear than the summary implies. The principal ambiguities involve the nature, quality, and extent of the oligarchic oppression and the composition of the poor who were oppressed. There is also ambiguity concerning the nature of the principal oppositions which *AP* describes. A precise sense of the tension between the notables (γνώριμοι) and the masses (πλῆθος) and between the rich (πλούσιοι) and the poor (πένητες) is wanting. Moreover, *AP* also leaves less than clear the relationship between the masses (πλῆθος) and the demos (δῆμος) and that among the poor, variously described as πένητες, πελάται, and ἑκτήμοροι. For an account of these difficulties see Rhodes 1993, 89.

[19] Plut.*Sol.* 13.1.

[20] Ibid. These same classifications are listed in *AP* 13 but as prefatory to the rise of Peisistratus's tyranny. This raises a problem of what sources Plutarch was following and whether he misapplied the information in *AP* or whether the political turmoil leading to Peisistratus's first attempt at the tyranny was a continuation of a situation which led to the appointment of Solon.

demographic regions in Attica, Plutarch seems to describe a regionalist theory of faction among competing aristocratic family groups.[21]

Plutarch adds the disparity between rich (πλούσιοι) and poor (πένητες) as a second cause of strife in pre-Solonian Athens.[22] However, in certain particulars he gives more specifics than *AP*, with which, however, he is in substantial agreement. He delineates more clearly two distinct classes of debtor stating that "all the common people" (ἅπας ὁ δῆμος) were indebted to the rich either 1) tilling the land for their creditors, paying one-sixth part of the produce and that these debtors were called hectemoroi and thetes, or 2) pledged in their person as security for loans and were therefore subject to seizure and to slavery either at home or by sale abroad.[23] At this point in his analysis, Plutarch seems to have forgotten his notion of regionalist conflicts within the aristocratic elements of society and appears to assign the extreme economic oppression of the poor as the sole cause of the political strife prevalent at the time of Solon.

Solon's appointment as archon, mediator, and special commissioner was directly related to this hostile climate of Athenian divisiveness. The political situation evolved to a point of crisis in the nature of an uprising of faction against faction. *AP* relates, somewhat nondescriptly, that the demos rose against the notables.[24] Plutarch says more plainly that there were preparations for a kind of civil war and that the majority of the poor began to band together and to seek a person to lead them in revolution, in redistributing the land, and in changing the form of the constitution.[25] Conditions were so precarious, in Plutarch's account, that there was genuine general worry that someone might seize control of the government, make himself tyrant, and usurp the legitimate conduits of political power.[26] At this point of intensity the Athenian people deemed it necessary

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[21] See Sealey 1960, Ellis & Stanton, and Sealey 1976, 114 ff. For a discussion of the regionalist model see also Appendix II. Plutarch does not indicate the kind of distinction made by Rhodes 1993, 89, between aristocratic and non-aristocratic rich. Plutarch only describes political factions between competing aristocratic constituencies. Moreover he does not relate the factions represented by the revival of hostilities among the parties of the Cylonian affair to this regional conflict involving different genê favoring different constitutional types.

[22] Plut.*Sol.* 13.1.

[23] Ibid., 13.2.

[24] Arist.*Ath.* 5.1, 30, 1–2.

[25] Plut.*Sol.* 13.3.

[26] Ibid., 13.2.

to take the extraordinary step of investing a single individual with extraordinary political power. As something of a compromise candidate, Solon was elected to the archonship with a commission of special powers, appointed as mediator between the factions, and entrusted with control over the constitution,[27] all to stem the tide of war (*AP*) or to avert actual civil war (Plutarch).

As to the question, "why Solon?" both *AP* and Plutarch answer by pointing to his political status. According to *AP* Solon's status as a middle-class citizen was appealing to both the rich and the poor.[28] Solon was of the first rank in birth and reputation, but of middle status (τῶν μέσων) in wealth and circumstances.[29] Plutarch agrees, but gives somewhat fuller detail. Solon was in the line of Cordus, one of the early kings of Athens, and thus of unimpeachable aristocratic pedigree. However, Solon's familial wealth was diminished by the philanthropic activities of his excessively generous father. This relative poverty is the main reason why Solon undertook a life of commerce as a merchant.[30] However, for Plutarch, it was not Solon's middle-class status as much as his neutrality (ἁμαρτημάτων ἐκτὸς ὄντα) that made him mutually attractive to the warring factions. Plutarch is here thinking only of the rich and the poor, agreeing at this point in his account with *AP*.[31] Solon was not implicated in the injustice of the rich, and therefore attractive to the poor, nor subject to the

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[27] Arist.*Ath.* 5.2, 3–5.

[28] *AP* does not explicitly say that Solon's middle-class status was the reason for his appointment, but so much can perhaps be implied by the placement of the description of Solon as a μέσος πολίτης immediately following the account of his appointment as archon and mediator. (Cf. Arist.*Ath.* 5.3.) This, at any rate, seems to be Linforth's view (52–53).

[29] Arist.*Ath.* 5.3, 10–11. *AP* quotes Solon's fr. 4c as if to prove the view that Solon was of middle-class status, but the fragment does not in fact prove this. Cf. Rhodes 1993, 123–124. For a possible ideological intervention here based upon Aristotle's theory of virtue as a mean (*EN* 1104a11–27) and his theory that the best legislators come from the middle-class (*Pol.* 1296a18–20) see the remarks of Rhodes 1993, 9 and 123.

[30] Plut.*Sol.* 1.2 and 2.2. Plutarch defends merchandising as a noble pursuit befitting the life of a statesman, explaining Solon's travels against an, apparently, alternative tradition that Solon traveled merely for the sake of knowledge and experience but not for commerce.

[31] Plut.*Sol.* 14.1. Plutarch in defining the factions here only as the rich and the poor seems quite unaware of or otherwise unable to reconcile the inconsistency which this creates in view of his previous treatment of the Cylonian conspiracy in terms of competing aristocratic parties (ibid., 12); nor does he appear to be consistent with his description of factions based upon constitutional and geographical differences (ibid., 13).

necessity of the poor, and therefore not unattractive to the rich,[32] so that the rich accepted him because he was of good birth, and the poor because he was honest.[33] There was also a bipartisan acknowledgement of Solon's impeccable credentials as a statesman arising from some success in the war with Megara over control of Salamis and because of his counsel to the Amphictyonic League to resist the Cirrhans in the First Sacred War.[34]

The works of Solon directed toward settlement of Athens' political crisis are treated by *AP* and Plutarch under four categories: immediate measures, constitutional measures, democratic measures, and economic measures. Solon's work should be seen against the following background. For *AP* Solon's work was directed against various political abuses perpetrated by the rich or oligarchic element of the constitution against the poor or the demos. *AP* says that Solon "altogether and everywhere" blamed the rich for the political crisis.[35] Plutarch, on the other hand, consistently insists that Solon followed a middle and pragmatic road between the desires of the rich and the poor.[36] Although their views are possibly in conflict on this point, both sources agree that Solon's power and position were so great and the political environment so unstable that he could easily have anticipated Peisistratus in establishing a tyranny.[37] Both, however, are unqualified in their praise of Solon's character and his devotion to the common political good because he categorically and consistently rejected the possibility of making himself tyrant, although his political allies put considerable pressure on him to do so.[38]

Solon's initial action was as extraordinary as was his appointment to the special commission. Both *AP* and Plutarch relate that in what has come to be known as the seisachtheia,[39] or a shaking off the

[32] Plut.*Sol.* 14.1.

[33] Ibid., 14.2.

[34] Ibid., 11.1. Plutarch, *Sol.* 10 relates that Solon, perhaps with Peisistratus (see Sealey 1976, 127), led a contingent against Salamis, defeated the Megarans who came to defend the island, and took the chief city. The issue of the war was submitted to Lacedaimonian arbitration. For the timing of the First Sacred War cf. Linforth, 39 ff, 45 and 98 ff, who discusses the possibility of a date for the war later than the traditional date for Solon's archonship 594. For a date between 595 and 586 cf. Hammond 1967, 137.

[35] Arist.*Ath.* 5.3, 18: "καὶ ὅλως αἰεὶ τὴν αἰτίαν τῆς στάσεως ἀνάπτει τοῖς πλουσίοις."

[36] Plut.*Sol.* 14.2;15.1–2 ff.

[37] Arist.*Ath.* 6.4, 10–13; Plut.*Sol.* 14.3–6.

[38] Arist.*Ath.* 6.3, 4–10; Plut.*Sol.* 14.3–6.

[39] *AP* and Plutarch both report that the cancellation of debts was called seisachtheia,

burden of debt, Solon cancelled all public and private debts and prohibited the making of loans secured by the person of the debtor.[40] By these measures Solon struck at the conditions of economic slavery which both *AP* and Plutarch describe as the fundamental cause of the conflict between the rich and the poor. *AP* says that Solon freed the demos then and thereafter, and Plutarch links the seisachtheia to the removal of the horoi stones dappling the Athenian landscape, which marked the debt encumbered holdings of at least a major portion of the Athenian poor involved in the political strife.[41]

Within the parameters of his special appointment Solon codified Athenian law as part of his reform, replacing all the laws of Draco except the homicide laws.[42] The laws were inscribed, set up on display in public,[43] and put in force for one hundred years.[44] The nine archons along with all the citizens swore to obey the laws, the archons to pay a penalty should they fail to uphold them.[45] In this connection

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AP not indicating the origin of the name and Plutarch stating that Solon himself applied it as a euphemism to disguise the bitterness of the universal cancellation of debt; neither cites any of Solon's poetry as evidence for the origin of the term (Arist.*Ath.* 6.1, 25; Plut.*Sol.* 15.3). Plutarch also says that the citizens, after initial discontent, perceived the benefit of the measures and established a public sacrifice which they called seisachtheia (Plut.*Sol.* 16.3).

[40] Arist.*Ath.* 6.1, 24–25 and Plut.*Sol.* 15.2. Plutarch also gives here but then rejects the alternative view of Androtion that Solon did not cancel debts but rather gave relief to the poor by lowering the rate of interest to be paid on debts (*Sol.* 15.4). *AP* includes in chapter 6 a discussion of the report that Solon profited from the cancellation of debts and allowed his friends to profit also by giving them advanced notice of the cancellation. *AP* sees this as a possible anti-Solonian contamination, stemming from fourth-century oligarchic tradition and alludes to a more favorable tradition emanating from democratic sources, from those, that is, who saw Solon as the father of the democracy. *AP* states that Solon's commitment to the common good would have prohibited him from profiting in this way from his enactments. For fuller commentary see Rhodes 1994, 128.

[41] Arist.Ath. 6.1, 21–24 and Plut.*Sol.* 15.5. Plutarch calls the encumbered land προυποκειμένη γῆ and quotes *Sol.* fr. 36, 6–7, which includes a reference to the horoi stones. AP makes no connection between these measures and land tenure, although it quotes the whole of fr. 36 in chapter 12.

[42] This text is one source of the majority position that Solon instituted a new code of laws which was committed to writing and publicly promulgated. Sealey 1960, 159–160, holds a minority view that Solon did not write an entirely new code but simply wrote down and systematized the laws that existed at the time.

[43] Arist.*Ath.* 7.1, 14–17. *AP* says that the laws were inscribed on kurbeis and set up in the Stoa Basileios. Plutarch, *Sol.* 25, agrees that the laws were inscribed and publically displayed, but he does not state where they were displayed during Solon's time. He remarks that remnants were preserved in his own day in the Prytaneium. He also seems to equate *AP's* kurbeis with his axones.

[44] Arist.*Ath.* 7.2, 21; Plut.*Sol.* 25.1.

[45] Arist.*Ath.* 7.1, 18–19.

Solon was known as one of the great ancient law-givers, a reputation which complements the tradition that places him among the seven wise men of Archaic Greece.[46]

The Athenians appear to have given Solon the specific power to reform the constitution. Both *AP* and Plutarch recognize this authority as an independent and separate component of his extraordinary commission, additional to his general power of legislation.[47] He seems to have had broad leeway to enact laws with a constitutional reach.[48] To this end he divided the Athenians into categories for the purpose of defining political participation in the government. He dealt with the election of officials, he defined the powers of the Areopagus Council, and, according to the tradition which *AP* and Plutarch report, he created a new council of 400.

Solon divided the citizens into four assessed classes known as tele, using categories which existed in the past, but adding a new property assessment tied to the actual produce of land:[49] 1) the pentacosimedimnoi, requiring 500 measures of produce from one's own estate, wet and dry together; 2) the hippeis requiring 300 such measures of produce; 3) the zeugitai, requiring 200 such measures; and 4) the thetes, to include all others who did not meet any of the

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[46] Throughout the sixth-century occasions are known where various political difficulties were resolved by looking to lawgivers, usually political outsiders, to restore stability through the issuance of written law, sometimes only specific pieces of legislation and other times whole codifications. See Gagarin 1989, 58–60; Rauflaub 2000, 42 ff. For Solon as lawgiver see Hdt. 1.29 and Sealey 1976, 127. Athens is the only case where two lawgivers are known, first Draco, and then Solon. For the tradition of Solon as one of the seven wise men see Plut.*Sol.* 4–6.

[47] On the whole Plutarch is in agreement with *AP's* account of Solon's constitutional reforms. Plutarch includes information on the timing of the reforms which may support the view that Solon was given two separate commissions of special power, one encompassing the measures of the seisactheia and another encompassing the power of constitutional reform. This issue receives more discussion in Section 2 of this chapter under the heading Chronology.

[48] Arist.*Ath.* 7.1. *AP* speaks in very broad terms stating that Solon framed the constitution (πολιτείαν δὲ κατέστησε) and enacted other laws (καὶ νόμους ἔθηκεν ἄλλους). Plutarch, *Sol.* 16.3, follows *AP* in his description of Solon's commission—καὶ τὸν Σόλωνα τῆς πολιτείας διορθωτὴν καὶ νομοθέτην ἀπέδειξαν (they appointed him reformer of the constitution and lawgiver)—and describes the same points of constitutionally significant legislation. Note the discussion of Day and Chambers, 72 ff, on the issue whether there is a significant historical distinction between Solon as the framer of a constitution, a coherent system of laws conferring new political form, and mere law-giver.

[49] See French 1961, rejecting the contention that monetary income was acceptable under Solon's tele classifications.

above production qualifications.[50] The first three classes were eligible to hold the magistracies of the state in proportion to their production assessment;[51] to the thetes was permitted only membership in the ecclesia and participation as jurors in the dicasteria.[52] Plutarch adds that Solon's intent was to keep the magistracies in the hands of the more competent rich but also to expand the participatory citizenship of the thetes heretofore excluded from full privileges in the oligarchical polis.[53]

Solon also reformed the process of the selection of magistrates. He established a procedure for each of the four tribes to pre-select ten candidates from whom the archons would then be appointed by lot.[54] This constituted a change in procedure from pre-Solonian times when the Areopagus Council appointed the magistrates from among candidates whom they themselves thought suitable and on the two-pronged criterion of birth and wealth as is stated in *AP's* description of the pre-Solonian constitution.[55] Appointment by lot is, along

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[50] *AP*, 7.3 states, cryptically, that the property classes employed by Solon had existed before: "καθάπερ διῄρητο καὶ πρότερον." There is no such suggestion in Plutarch. Rhodes, 1993, 137, notes the opinion of many that *AP's* reference to the past be condemned as an insertion by the author of the so-called Draconian constitution, but Rhodes himself rejects this view. Hignett, 100, suggests that the classes, ἱππεῖς, ζευγῖται, and θῆτες pre-existed Solon, but with a social rather than an economic significance, which Solon added. Consistently, Rhodes 1993, 137 notes that πεντακοσιομέδιμνοι sounds like a later nomenclature to distinguish the very richest citizens in the highest class. This is also consistent with the view, the classic statement of which is found in Wade-Gery 1931, that prior to Solon, membership in the Areopagus Council was on a principle of "ἀριστίνδην," (according to birth) but that Solon added the democratizing principle of "πλουτίνδην" (according to wealth). (See Arist.*Ath.* 3.1, 19 and Sealey 1976, 120.) Sealey 1960, 161 ff and 1976, 114 ff voices a minority view that Solon did not establish these property classes even as to wealth qualifications, but merely formalized the parameters of participation by committing the qualifications to writing. With such a position Sealey challenges Wade-Gery's view that the Eupatridai existed as a hereditary and elitist governing class.

[51] Arist.*Ath.* 7.3, 24–28.

[52] Ibid., 7.3, 28–7.4, 1. See the discussion in Section 2 of this chapter under the heading Popular Citizenship on the anachronistic usage of the term dicasteria.

[53] Plut.*Sol.* 18.

[54] Arist.*Ath.* 8.1, 19–20: προύκρινεν δ' εἰς τοὺς ἐννέα ἄρχοντας ἑκάστη δέκα, καὶ ⟨ἐκ⟩ τούτων ἐκλήρουν ("For the nine archons each tribe elected ten candidates, and lots were drawn among these" [Rhodes 1984, 49]).

[55] Ibid., 3.1: τὰς μὲν ἀρχὰς καθίστασαν ἀριστίνδην καὶ πλουτίνδην. ("Officials were appointed on the basis of good birth and wealth," [Rhodes 1984, 43]). There is a question whether fourth-century writers falsely attributed the selection of archons by sortition to Solon so as to give pedigree to their modern institution. This is an issue of *AP's* source. Plutarch says nothing about sortition, indicating that the source

with property class qualifications for the archonship, a democratizing principle opening up membership in the Areopagus Council, in theory at least, to non-aristocratic membership.

In addition Solon made the Areopagus Council guardian of the laws whereas in the pre-Solonian constitution it was guardian only of the constitution.[56] According to some scholars *AP* should be read to mean that this change was constitutionally significant.[57] He also gave the Areopagus Council full power to punish all wrongdoings, including in particular the crime of conspiring to destroy the constitution.[58] While Plutarch has nothing of these other measures, he is in general agreement with *AP's* view of the Areopagus Council, adding that it had duties as the general overseer in the state.[59] In particular some scholars think that the Council always possessed the power to hold magistrates accountable for their acts, to scrutinize elected officials upon the conclusion of their term of office, and to

is not to be found in Atthidographical tradition. Aristotle says in the *Politics* (1273b42–1274a2) that magistrates were elected by vote of the popular assembly during the time of Athens' aristocratic constitution and that Solon made no changes in this. This inconsistency between *AP* and *Politics* is one reason why Hignett denied that Aristotle was the author of the *AP*. Wilamowitz attempted to reconcile *AP* and *Politics* by holding "that αἵρεσις in the *Politics* is opposed not to sortition in general but to pure sortition and therefore can include the κλήρωσις ἐκ προκρίτων of *AP* 8.1, 2–3. (Hignett, 223 [referencing Wilamowitz]). Hignett proffers *Politics* 1298b8 in rejection of Wilamowitz's suggestion because there Aristotle clearly distinguishes between αἵρεσις, κλήρωσις, and κλήρωσις ἐκ προκρίτων. For a full discussion of this issue see Hignett, 321 ff.

[56] Arist.*Ath.* 8.4, 9–11.

[57] The problem is whether *AP* actually says anything different about the power and function of the Areopagus Council in 3.6 on the pre-Solonian constitution and in 8.4 on Solon's constitutional reforms. Hignett, 89, holds modestly that Solon did not change the function of the Council but made them formally definite by instituting them in written law, and thereby limiting them. Day and Chambers, 84, view *AP's* statement to imply constitutional significance because they believe that the rhetorical intent of chapter 8 is to convey the view that Solon is a "constitution-maker."

[58] Arist.*Ath.* 8.4, 13–15.

[59] Plut.*Sol.* 19.1. Plutarch reports what he believes is the majority view that Solon established the Areopagus Council and the rule that ex-archons were to became life-time members (Plut.*Sol.* 19.1). (Hignett, 99 n. 5, finds it more credible that the Council's exclusive membership of ex-archons dates from Solon rather than from the seventh century as *AP* 3.6 states.) Plutarch himself argues that the Council existed from before the time of Solon because the thirteenth axon contains a law of Solon restoring citizenship to those disenfranchised before his archonship; the law excepts those condemned to exile by the Areopagus Council prior to his establishing the law, the reference to the council thus being an argument for its existence prior to Solon.

assess the qualifications of candidates about to enter office.[60] Hignett holds that Solon did not add to but merely defined in his law code powers which the Council always held and, by such formalization, limited them.[61]

Finally, Solon created a new, more democratically constituted council of 400 to complete the structural reform of the constitution (a tradition which both *AP* and Plutarch accept).[62] With this council Solon completed a three-pronged movement away from aristocratic toward democratic form: selecting magistrates by a method of sortition, formally defining the function of the aristocratic Areopagus Council, and adding the more democratic council of 400. It is Plutarch rather than *AP* who describes the reason for and the function of the new council. The common people (δῆμος) were invigorated by their recent release from debt and the consequent new taste of freedom. Therefore to appease the commons and to ward off further unrest, Solon established the council of 400 with membership from a wider body of citizens. Its base was to be much less exclusive than membership in the Areopagus Council. The Athenians selected one hundred citizens from each tribe, not limited to persons of noble families only. This council was to deliberate on public matters and to set the agenda for the ecclesia ahead of time. In other words, its function was traditionally probouleutic, and the ecclesia would consider nothing which did not first come from the 400.[63]

Within the discussion of constitutional reforms *AP* includes a

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[60] Arist.*Ath.* 8.4. Ostwald 1986, 7. In addition to the areas of public law mentioned in the text, Ostwald also believes that the Council had jurisdiction over crimes against the state. See the discussion in Section 2 of this chapter under the heading Popular Citizenship. See also Hignett 90–91 to the same effect. Aristotle, however, states in *Politics* 1281b34 (although there may be some problems with the text) that Solon gave the people the power to hold the magistrates accountable, thus creating a possible inconsistency with the implications of *AP*. Ostwald 1986, 13, suggests that if Solon's law in *AP* 9.1, granting "permission for anyone who wished to seek retribution for those who were wronged" (Rhodes 1984, 50) included action against a magistrate before the Areopagus Council, then *Politics* 1281b34 could be read consistently with *AP* 8.4. That is, the Areopagus Council would have jurisdiction over such accountability, but separate power would exist in the people to force the action by bringing a law suit before the Council.

[61] Hignett, 89.

[62] The reality of the council of 400 is a vexed question. For the views of older scholars see Day and Chambers, 85. For an example of the kind of scholarly disagreement which prevails, see Hignett, 92 ff versus Rhodes 1993, 153. See the discussion of this issue in Section 2 of this chapter under the heading Popular Citizenship.

[63] Plut.*Sol.* 19.1.

description of Solon's neutrality law. This law prohibited non-partisanship in the event of political disturbances threatening the constitution so that a citizen who failed to take a stance in such situations was to be penalized by loss of citizenship.[64] Scholars have wondered why *AP* included the neutrality law within its discussion of Solon's constitutional reforms.[65] *AP* may be attempting to account for the tradition of Solon's patriotism in a deeper way than does Plutarch in his treatment of Solon's role in Athens' conflict with Megara over possession of the island of Salamis. As a patriot and citizen Solon was unable to tolerate the dishonor which resulted from Athens' abandoning the war for Salamis. It was the duty of the citizen to advocate matters in the state's interest. For this reason, perhaps anticipating his thinking in the neutrality law, he defied a prohibition against making motions concerning the war precisely by means of what this prohibition forbade, namely, by a public recitation of an elegy urging the benefits of appropriating the island.[66] As the author of the neutrality law Solon exhibits a more fundamental form of patriotism, by defining one extreme of a citizen's duty. He imposed an obligation on each citizen to show active concern for the form of the constitution. Because he makes disenfranchisement the result of neutrality when the issue is the form of the state itself, he shows that he regards active participation in the political process, especially on issues as important as the constitution, the hallmark of citizenship.[67]

The tradition of the liberating measures of the seisachtheia along with the reformation of the constitution in response to grave political upheaval gave rise to the view that Solon was an originating force in the development of Athenian democracy.[68] According to *AP*

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[64] For discussion of the law and whether it is genuine see Develin, 507–50 and Sealey 1983, 101–103.

[65] See, e.g., Rhodes 1993, 157.

[66] Plut.*Sol.* 8.1–3.

[67] This kind of argument reflects interpretative principles similar to those which inform Day and Chambers's approach to *AP*. Holding that *AP's* treatment of Solon's constitution could not have been based on historical analysis of original documentation, Day and Chambers, vii–viii, contend that *AP's* efforts to give coherent form to the available data necessarily reflect principles of Aristotelian political philosophy. The placement of the neutrality law right after completion of the description of Solon's constitution may reflect the Aristotelian view that full and authentic citizenship requires meaningful participation in the affairs of government. (See, e.g. *Politics* 1275a19 ff, 1278a34 ff).

[68] According to Day and Chambers, 86, this cautious statement is all that one should take from *AP* on the tradition of Solon as the founder of the Athenian

the most democratic of Solon's acts were 1) the prohibition of loans secured by the person of the debtor;[69] 2) the law permitting a third party to seek retribution for a wrong committed against another;[70] and 3) the institution of a right of appeal to the jury courts, whose ranks were filled, at least in part, by the people.[71] The first act, as *AP* said, was ordered to the liberty of the people insofar as it made debt-slavery no longer possible.[72] The second act, as Plutarch says, was intended to enhance the power of the people by expanding the possibility of obtaining remedies for civic wrongs.[73] The third act, according to both *AP* and Plutarch, increased the power of the people in political matters insofar as they would control the decisions of the courts. Indeed, Plutarch says that allowing the thetes to sit on juries and allowing appeals to this court, thus made popular by its constituency, was one of Solon's most important democratizing measures.[74]

In addition to these strictly constitutional measures and to his more general work as law-giver, the traditional account of Solon attributes to him a reform of the Athenian standards of weights and measures and also of the coinage. The Atthidographer Androtion appears to be the source of this information,[75] but the explanation of *AP* and Plutarch, who both apparently reject Androtion's view, are fraught with difficulty. This is in part because neither Androtion nor *AP* or Plutarch likely understood fully what Solon actually did.[76] One thing, though, is certain enough, that this work on the standards and the coinage was part of an overall package of economic reform. For example, Plutarch says that Solon made several laws whose purpose was to increase the domestic production of Athenian goods and to regulate a more favorable ratio between exports and imports. Thus

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democracy. According to Ruschenbusch 1994, 362, there is no such notion in Plutarch. The unqualified veiw of Solon as the founder of the democracy is rightly tied to the fourth-century Athenian orators. (Day and Chambers, 86). For the orators' treatment of Solon see the discussion in Appendix III.

[69] Arist.*Ath.* 9.1, 24.

[70] Ibid., 9.1, 25.

[71] Ibid., 9.1, 26. This passage has several difficult points of interpretation and is discussed further in Section 2 of this chapter under the heading Popular Citizenship.

[72] Ibid., 6.1.

[73] Plut.*Sol.* 18.5.

[74] Ibid., 18.2.

[75] Plut.*Sol.* 15.4; see also Rhodes 1993, 163.

[76] See French 1956; Rhodes 1993, 165.

he is said to have enacted laws against idleness to encourage citizens to secure a trade and thereby practice it for the benefit of the city.[77] The reason, according to Plutarch, was both to make the inhabitants of Athens productive for the sake of increasing the exportable goods and to reduce the need for imports.[78] He is also said to have restricted exports only to olive oil, apparently to encourage the increase of domestic grain for internal use and to balance trade deficits due to lack of internal production of such necessaries.[79] The speculation of scholars tie such commercial reforms to the problem of the control of arable land which *AP* postulated as the cause of Solon's ascension.[80]

After his work was completed Solon went abroad for ten years to avoid the difficulties of what M. Miller has wittily termed the "pestering."[81] He was hounded by requests for the interpretation of his laws and was subject to various modes of hostility arising from discontent over the effect of the laws.[82] He believed that the laws should be given a chance to function as they stood but also wished to avoid the danger of silence.[83] So he traveled to Egypt, studying with the priest Psenophis of Heliopolis and to Sonchis of Saïs; to Cyprus, to Philocyprus, helping him reestablish his city on a new spot and on a more organized plan, in gratitude for which the city was renamed Soli; to Sardis, to Croesus, a story which Plutarch refuses to leave out of his account notwithstanding acknowledged difficulties in chronology.[84]

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[77] See Plut.*Sol.* 22.1; Diog. L. I.55.
[78] Plut.*Sol.* 22.1.
[79] Ibid., 24.1 and Freeman, 141.
[80] See Arist.*Ath.* 2 and the discussion in Section 2 of this chapter under the heading Hectemorage: Land, Society, and Economy.
[81] Miller 1968, 78.
[82] Arist.*Ath.* 11.1.
[83] Plut.*Sol.* 25.4.
[84] Ibid., 25–27. Note the interesting statement of Ruschenbusch in his Plutarchs "Solonbiographie," 375: "Er weiß, daß Solon und Kroisos sich schon rein chronologisch nicht getroffen haben können. Wenn er die Geschichte vom Treffen beider trotzdem in sein Solonbiographie aufgenommen hat, dann nicht so sehr aus Mißtrauen gegenüber den Tabellen der Chronographen, als weil sie nach seiner Meinung mit ihrer Weisheit mehr vom Wesen Solons verrät als alle historische Realität." (He knew that Solon and Croesus could not have met according to the certain absolute chronology. If he nevertheless included the meeting of both in his biography of Solon, then (he did so) not so much from distrust of the tabulations of the chronographers, but because the history according to his own intent with its wisdom divulged the essence of Solon as a complete historical reality.)

When Solon returned to Athens he found a divided city. It was during this period that Solon confronted Peisistratus and resisted his movements to tyranny. Peisistratus proclaimed himself the champion of the poor, but Solon perceived his true intentions and tried to persuade him of the evils of tyranny.[85] Solon resisted the petition of Peisistratus for the bodyguard by which he eventually secured his first tyranny but left the ecclesia when he saw that his resistance was futile. He made one final public attempt through discourse in the market place to persuade the citizenry of the evils of tyranny, but when this failed he retired for good from public life.[86] Apparently Peisistratus showed no disrespect for Solon because of his resistance and in fact left his laws unchanged and in full effect.[87] Heracleides Ponticus places Solon's death long after Peisistratus's first tyranny, but Phanius of Eresos places it within two years of Peisistratus rise to the tyranny, in the archonship of Hegestratus, circa 560/59.[88]

Solon used his great power for the common good of Athens. This is the judgment of the tradition about him.[89] There is no greater proof of this in the traditional accounts than that he refused to make himself tyrant when he could so easily have done so.[90] This is perhaps why *AP* ends its account with Solon's refusal, even though it

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[85] Plut.*Sol.* 29.1. Plutarch here says again that the people were divided into the Plain-men, the Shore-men, and the Hill-men, and thus one notes a certain confusion. Recall that Plutarch described these same regional factions as a cause of Solon's appointment to special powers, although he there assigned to each faction a different constitutional proclivity. (See Plut.*Sol.* 13.1.)

[86] Plut.*Sol.* 30.4. Although not quoted by Plutarch, fr. 10 is quoted by Diogenes and read by Linforth, 224 and 305, as Solon's comment on the rejection by the Athenians, especially the nobles, of his warnings against Peisistratus.

[87] Plut.*Sol.* 31.1.

[88] Ibid., 32.3. Cf. Cadoux, 122.

[89] Arist.*Ath.* 11.1, 3. That Solon so acted for the common good is in essence the punctuating remark of *AP's* account. There is nothing in Plutarch to contradict this judgment and much to support it. However, there are certain less flattering strains in the tradition: one stemming from Phanias the Lesbian, reported only to be rejected by Plutarch, 14.1, is that Solon came to power by deceiving both the rich and the poor. He is said to have deceived the rich by promising them preservation of their securities, the poor, by promising redistribution of land. A second strain charges that Solon's friends took advantage of inside information to profit from the cancellation of debts. In Plutarch, 15.6, Solon's friends abused his trust. *AP* 6.2–3, reports two versions of the story one in accord with Plutarch and one charging Solon with complicity. Plutarch and *AP* both reject wrongdoing on the part of Solon: Plutarch, 15.7, because Solon himself cancelled many debts which were owed to himself, and *AP*, 6.3, because of Solon's unimpeachable reputation for moderation.

[90] *AP* notes this fact twice: at 6.3 and again at 11.2.

had mentioned it earlier. The path to tyranny lay in either of two directions. Once in power, Solon could have joined the rich and protected their securities to the disadvantage of the poor, or he could have sided with the poor and effected their desire for the redistribution of the land to the detriment of the rich who controlled it.[91] He did neither, but struck out in the direction of shared political participation.

The general points of convergence between the traditions as preserved by *AP* and by Plutarch are nicely stated by Rhodes as follows:

> The outline on which *A.P.* and Plutarch agree is that the Athenians, in a state of tension between rich and poor, chose Solon, a μέσος πολίτης, to be archon and mediator; Solon liberated the people by canceling debts and banning loans on the security of the person; he divided the citizens into four classes according to the produce of their land, and based the distribution of political power on this classification; by three measures in particular he strengthened the position of the common people and laid the foundation of the later democracy, by banning loans on personal security, and in the judicial sphere by allowing any citizen to institute proceedings on behalf of an injured party and by allowing appeals from the decision of a magistrate to the heliaea, but he did not deliberately make his laws ambiguous to increase the power of the courts; also he altered Athens' system of measures, weights and coinage. Finding that he pleased neither side, being too drastic for one but not drastic enough for the other, he left Athens for ten years, during which his laws were not to be altered; but even in his absence there was trouble, and in due course Pisistratus made himself tyrant.[92]

It is the questions left open by this tradition that have defined the contours of modern scholarship on Solon.

The tradition makes Solon archon, speaks of him as being a mediator of factions, and as possibly having a commission of special authority. It also speaks of the seisachtheia, the constitutional reforms, the general codification of laws, and certain economic measures including the work relating to the coinage. Uncertainty about the relation between the execution of these various actions and the offices held lead to issues of relative chronology, e.g. which of his work, if any, was accomplished before, during, or after the archonship. The question of his work on the coinage, given modern scholarship on the dating of Athenian coins, as well as certain questions surround-

[91] Arist.*Ath.* 11.2; Plut.*Sol.* 16.1.
[92] Rhodes 1993, 119.

ing his travels, raise questions of absolute chronology. The tradition is quite clear and uniform that a certain state of tension existed between factions in Athens which was so serious as to lead to the extraordinary step of the appointment of Solon to a position of special powers. The precise nature of this tension, however, raises questions. The poles of the faction, for example, are not clear. The relationship between rich and poor, on the one hand, and a possible component involving competing aristocratic elements, on the other, is a problem. The relationship between wealth and familial groups in connection with the nature of land holdings in sixth-century Athens is hardly mentioned. The notion of wealth in light of what is generally known of archaic agrarian economies raises questions about the meaning of terms like loans, debt, and securities, and the tradition is all but silent on the relationship of economic realities of this sort to the tension that existed. The factious and economic aspect of this tension certainly had some relation to the problem of citizenship insofar as much of Solon's corrective work relates to the constitutional aspects of participation in the polis, yet there is no real discussion of the meaning of citizenship in the polis nor of the polis itself. Accordingly, it will be useful in the next section to survey the work of modern scholarship on these open questions.

Section 2: *The Contours of Modern Scholarship on Solon*

Ruschenbusch has remarked, correctly it seems, that a great many of the things said about Solon are in the nature of creative invention looking backward to remote and under-evidenced points of origin.[93] This is true both of the work of ancient as well as of modern scholars. One finds on the whole in recent scholarship on Solon attempts to make the record coherent or to illuminate it with inferences from reasonable external starting points, like, for example, the political consequences of pre-monetary agrarian economics. The work as well as the results are varied and will be presented under three headings: 1) Chronology, 2) Hectemorage: Land, Society, and Economy, and 3) Popular Citizenship.

[93] Ruschenbusch 1966, vii.

Chronology

An inquiry into the chronology of Solon's political reforms attempts to clarify the timing of his emergency measures, his constitutional changes, and his general legislation, both in terms of relative and absolute dating.[94] The primary issue is the placement of Solon's political acts in relation to the archonship. On this point various scholars have expressed various opinions. Some accept the traditional date of the archonship, namely, 594/93,[95] others reject it for a later date. The dominant tradition is that Solon completed all his work during the period of the archonship.[96] This view is likely an inference from the single entry for Solon on the archon-list, which would have been the fundamental, if not the only documentary source for the date.[97] Rejecting the dominant view, some modern scholars see Solon's work spread over a period of several continuous years, extending from shortly before until shortly after the archonship. Still others see the reforms carried within the archonship as one thing and add a second wave of reforms some years after the archonship.[98]

N.G.L. Hammond accepts the placement of the archonship in 594/93, but spreads Solon's work out over a two year period. He begins with Plut.*Sol.* 16.3: "καὶ τὸν Σόλωνα τῆς πολιτείας διορθωτὴν καὶ νομοθέτην ἀπέδειξαν" ("they also appointed Solon to reform the constitution and make new laws").[99] He takes this phrase to mean that Solon held a second special commission separate from the commission as reconciler and legislator which was in effect during his archon year. Hammond holds this second appointment to have invested Solon with a special power to legislate reforms to the constitution.

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[94] For the passages in *AP* and Plutarch relevant to questions of chronology see Appendix IV.

[95] Sosicrates *ap.* Diog. Laert. i. 62, fixes the date of Solon's archonship at Ol. 46.3 = 594/3; Miller 1969, 62, regards this portion of Dogionus Laertius as a fragment of the Athenian archon-list for the following reason. Sosicrates was an expert on the seven sages and a good scholar at a high period of Hellenistic learning. He would therefore have used the best soruces available to him which, for dating, meant the archon-list. For the traditional date see also Rhodes 1993, 120 and Linforth, 265.

[96] Cadoux, 98: "A unanimous and reasonable tradition was that Solon's economic reforms and the main bulk of his legislation fell in his archonship."

[97] Hignett, 318.

[98] See generally Markianos, 18–19 for a succinct summary of the positions scholars have taken on the chronology.

[99] Perrin, 449.

He dates this appointment to 592/91, calculating from the evidence in *AP* 14.1, which he reads to refer to a period thirty-two years prior to the archonship of Komeos, or 592/91.[100]

Hammond argues that *AP* presents the same facts as Plutarch, namely an archonship plus a second commission, but that *AP's* thematic (as opposed to chronological) framework obscured these facts. *AP* arranges Solon's measures by subject matter: the economic reforms, including the measures of the seisachtheia, in chapter six, the constitutional reforms in chapters seven and eight, and in chapter nine, a judgment on all the legislative work grouped together as a whole. In chapter 10, however, it adds a chronological note which clarifies the actual sequence of Solon's implementation. The relevant text is as follows:

> πρὸ δὲ τῆς νομοθεσίας ποιῆσαι τὴν τῶν χρεῶν ἀποκοπὴν, καὶ μετὰ ταῦτα τήν τε τῶν μέτρων καὶ σταθμῶν καὶ τὴν τοῦ νομίσματος αὔξησιν.[101]
>
> Before his legislation he carried out his cancellation of debts, and after that his increase in the measures and weights, and in the currency.[102]

Hammond takes the referent of ταῦτα ("that") to be τὴν τῶν χρεῶν ἀποκοπήν ("cancellation of debts"), i.e. the seisachtheia, and therefore he understands Solon's work on the weights and coinage to come directly after the cancellation of debts and both to come prior to the constitutional reforms which he sees referenced in the term νομοθεσίας (legislation). Thus he reads *AP* consistently with Plutarch and concludes that Solon effected the economic measures including the seisachtheia during his archonship and held a second commission in 592/91 during which he effected constitutional legislation. Hammond believes that Plutarch reports the fourth century chronological tradition of the Atthides, which is clouded but not altered in *AP* by its thematic organization.[103] Turning finally to the poems of Solon, Hammond places fragment 4 prior to the archonship because it refers to the underlying problems which later erupted into the crisis which Solon worked to resolve. He understands fragments 33, 34, and 36 to describe events of the post-archonship year, 593/92,

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[100] Hammond 1940, 61 and 77. For the particulars of Hammond's calculations see Appendix IV.
[101] Arist.*Ath.* 10.1, 8–10.
[102] Rhodes 1984, 50.
[103] Hammond 1940, 70.

because they refer to the discontent after the seisachtheia. Finally, he understands fragment 5 to refer to the time just before the apodemia in the year 591/90 because it refers to discontent after the Nomothesia, which he understands to include the constitutional legislation.

Hignett, proposes an even more radical separation theory than Hamond. Like Hammond, he accepts the archonship in 594/93, but he dates a second commission much later than 592/91 because he rejects Hammond's interpretation of *AP* 14.1.[104] He begins with the premise, based in part on the example of Draco, that one need not have been archon to receive a special legislative commission.[105] He rejects the tradition that Solon accomplished all of his work during the archonship since he believes this tradition to be based on an unreliable inference from the archon-list. Thus he says: "When we have once realized that the connection between Solon's legislation (including his Seisachtheia) and the year of his archonship is probably an hypothesis and not a fact, we are free to find a more suitable date for the former."[106] Hignett holds that Solon accomplished all his work in a special commission entrusted to him sometime after 580, subsequent to the tenure of his archonship by some fourteen years. His separation principle is thus more radical than Hammond's, who at least places the seisachtheia in the archonship. Hignett places the commissioned work so late because he prefers to construe the upheavals of the 580's as the particular crises which led to Solon's special appointment. If Solon worked in 594, then the upheavals of the 580's mark a failure of his work; but if his appointment was a result of these disturbances, then his work was fundamentally successful because it would have stood effective until the tyranny of Peisistratus (circa 561/60). Under Hignett's hypothesis Solon's work can be seen as having introduced a period of relative stability in the Athenian social and political order. A second compelling point for Hignett is that once the period after 580 becomes a possible date for Solon's reform, then one can date his work as close to 570 as possible so as to save Herodotus's chronology as well.[107]

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[104] Hignett, 317, dismisses Hammond's argument relying on Cadoux, 93–99.

[105] This insight belongs to Hammond 1940, 82 and is acknowledged by Hignett, 318.

[106] Hignett, 319.

[107] Sealey 1976, 122, who accepts Hignett's arguments, notes that a conservative

Common to the chronologies thus far is that Solon held the archonship in 594/93, even if he carried some or the entirety of his legislation later. M. Miller's work, however, offers an even more radical view by dating to the 570s not only Solon's constitutional work but also his archonship. Her theory is in some sense the logical extreme of Hignett's arguments, but she dates the archonship late as well in an attempt to unify all aspects of Solon's work under a thematically consistent theory. In summary her thesis is twofold. First, the relative chronology is that Solon carried his entire legislative package in a single three year period after which time he departed Athens on his ten-year apodemia. In the year or rather months before he took office as archon, i.e. as archon elect, he executed, under the authority of his special commission, emergency measures which included the seisachtheia and the reformaton of the weights, measures, and coinage. During the archon year proper he put the constitutional laws into place, and in the following year he began and completed the written codification of the laws. Second, according to absolute chronology, Miller dates the archonship to 573/72 and thus all of Solon's work to the three year period 574/3 to 571/70.

In arguing the relative chronology Miller invokes the tradition, as preserved by both *AP* and Plutarch. Both texts for her suggest in their account of the appointment of Solon a combination of "regular office and extraordinary power" which in turn suggests, contra Hignett and his followers, that the first of Solon's extraordinary measures was executed in or around the time of the archonship.[108] There would be no interference with the jurisdiction of Philombrotus, the sitting archon, because the parameters of Solon's commission would have been negotiated in advance by the competing factions. Furthermore, Solon would not have carried out any of the regular duties of archon until he actually assumed the office. All sources agree (except Androtion whose view we take up later) that the cancellation of debts and abolition of debt slavery was Solon's first act under his extraordinary commission. Since this act destroyed the institution of hectemorage, Miller argues that it is inconceivable for Solon to have waited an entire year, until the harvest came due during the end of his own archon year, to address the most significant

date for Solon's meeting with Philocyprus, which Herodotus mentions, would be not much before 567.

[108] Miller 1968, 64–65.

problem and the entire purpose of his commission. Therefore she argues that the seisachtheia was accomplished under his extraordinary power nearly immediately as archon-elect. Miller also sees the reform of the weights and measures and Solon's work with the coinage as part of a whole economic package which in essence constituted a new law of contract effecting both public and private obligations. (We shall discuss the economic details of this theory below under the heading Hectemorage: Land, Society, and Economy.) Miller holds that these reforms, constituting now the means of measuring obligations in various transactions, also had to be put into place prior to the harvest, in time for debtors and creditors to negotiate new terms in lieu of the now defunct institution of hectemorage. This places the reform of the weights and measures and of the coinage also in the last months before Solon actually entered office. Therefore Miller dates them to the spring (before the harvest) of Solon's year as archon-elect. During the actual archonship, Solon would have carried out the routine duties of the office and, under his extraordinary power, enacted the changes in property classifications so that these would be in place before the next elections. Since the duties of the office would consume Solon's efforts, it would not be until he completed his tenure as archon, entering the Areopagus, that Solon would have turned to the writing of the law code.[109] Miller's argument, as she sees it, is based on reading the tradition coherently:

> The tradition is—and we have no alternative revelation—that what Solon did in governing Athens, he did within a total period of three years; the tradition is single and intelligible and is either right or wrong.[110]

Miller's absolute chronology fixes the date of Solon's archonship at 574/73. Like Hignett, she does not regard the testimony of the archon-list as chronologically authoritative for early entries such as Solon's. The list was only published somewhere toward the end of the fifth century (c. 425) representing a later Atthidographic tradition. She looks instead to Herodotus, who predates the archon list, as a more proper authority. She finds evidence for the early date in

[109] Here, contra Hammond, Miller rejects the implications of Plut.*Sol.* 16.3 that Solon had a second commission separated by some distance in time from his archonship.

[110] Miller 1969, 65.

Herodotus's account of Solon's association with both Amasis the Egyptian and Croesus the Lydian. Both these associations would require a date for Solon's archonship in 574/73.

She also finds in Herodotus's account of Solon and Croesus corroboration for a date in the 570's based upon the Argive tradition and again independent of the archon-list. Herodotus has Solon relate to Croesus the story of Cleobis and Biton for the lesson it gave concerning the frailty of human happiness. These boys were famous victors of the Nemian games and the sons of a priestess of Hera of Argos. Herodotus's account, in Miller's view, shows that Solon knew of the statues of these boys dedicated at Delphi. She reasons to an Argive tradition as follows. Hellanikos, an Atthidographer and a contemporary and probable source for Herodotus's own investigations, wrote a chronology of the Argive priestesses of Hera's cult. In this work he dated the origins of the Nemean games to 574 in connection with an account of the two famous sons of the priestess mother and confirms from an independent, non-Athenian tradition the later date for Solon's archonship.

Miller also finds confirmation for an early date in the biographical work of Herakleides Pontikos which reflects a Megaran tradition. Herakleides was interested in the details of Solon's relation to the young Peisistratus and its implications for the age of Solon. Miller notes: 1) a hebdomadic dating structure which the biographers took from Solon's own poem on the ages of man (fr. 27), 2) the fact that Solon was Peisistratus's *eromenos*, and 3) the better known dates of Peisistratus's life. From these points Miller deduces an archonship in the 570s. For her, the standards of Herakleides' Alexandrian scholarship guarantees that he confirmed his facts about Solon and Peisistratus from the Megaran tradition since these two were collaborators in the war with Megara over Salamis. Finally, Miller corroborates her dating from numismatic evidence in connection with the tradition of Solon's work on the Athenian coinage. For her the earliest possible date for an Athenian coinage is 575, a fact, also independent of the archon-list, which tends to support a date for the archonship in the 570s.[111]

Two points are prominent in this discussion of Solon's chronology. The primary method of scholars in attacking the problem has

[111] For the details of Miller's argument on absolute chronology see Appendix IV.

been close interpretation of the texts of *AP* and Plutarch with the intent of creating an internally coherent picture of the transmitted tradition of Solon. Secondly, the poems of Solon were only peripherally utilized and only marginally useful toward the achievements of a solution to the problem. The desire for coherence notwithstanding, the opinions are divided between a one year time-frame for the accomplishment of the reforms and some more extended period; they are further divided between an early date for the archonship in 594/94 and a later date in the 570s.

Hectemorage: Land, Society, and Economy

The emphasis of *AP* and Plutarch and their commentary on Solon's poems have placed the issue of hectamorage, which bears directly upon the related issues of land, society, and economy, at the center of the Solonian crisis. The relevant sources are given below, with corresponding information arrranged in the same rows:

AP	PLUTARCH	SOLON'S POEMS
1) The poor were enslaved to the rich (2.2, 7)	1) There was extreme disparity between the rich and the poor, and the city was in extreme danger; the entire demos was indebted to the rich (13.2)	
2) The poor were called pelates and hectemoroi (2.2, 9)	2) The poor were called hectemoroi and thetes (15.3)	
	3) Tyranny seemed the only solution (13.2)	
3) Hectemoroi worked the fields of the rich for rent of 1/6th the produce (2.2, 9–10)	4) The poor (hectemoroi and thetes) either tilled the land for the rich paying 1/6th of the produce or pledged their person for debts (13.2)	
4) All the land was in the hands of a few (2.2, 10–11)		

AP	PLUTARCH	SOLON'S POEMS
5) If the poor did not pay the rent they were subject to seizure because loans were secured by the persons of the borrowers (2.2, 11–13)	5) These debtors were subject to seizure because loans were made on security of the person, being subject either to slavery at home or to being sold abroad (13.2)	1) Solon brought back to Athens those sold to slavery justly and unjustly because of debt; Solon also freed debt-slaves in Athens (36)
6) Solon forbade loans on security of the person and canceled public and private debts (6.1, 1–3)	6) Solon wrote that existing debts should be canceled and loans no longer made on security of persons; this was called seisachtheia (15.4 & 5)	
7) *AP* quotes Sol. fr. 36 (which mentions removing horoi stones) in connection with the cancellation of the debts (12)	7) The removal of the horoi stones was associated with the cancellation of debts (15.5)	2) Solon took away the horoi freeing the dark earth which before was enslaved (36)
8) The poor had no share in anything (2.3, 17)		
9) *AP* refers to the demos as the "masses" (Rhodes 1984, 51 translating, plethos) (12.2, 13)	8) Plutarch takes kakoi and agathoi in Solon fr. 15 to mean poor and rich (13.2)	3) kakoi and agathoi are terms of opposition (15); the demos stands in opposition to those who have power (5) and to those who are the leaders (6) and to those who are greater and better (37)
	9) Solon did not redistribute land and the poor were thus discontent with his reforms (15.1)	4) Solon resisted tyranny and he refused a call for the redistribution of land (34)

Scholarly treatment of the Solonian crisis is so varied that a discussion organized according to lines of opposition will present the clearest picture of the state of the matter. To judge only from Solon's poems, the bare terms of the crisis include debt, some form of slavery

affecting both person and land, and some measure of conflict between the demos and a more elite group, variously called rulers, leaders, and the greater or the better. The nature of the problem was so sever as to raise a clamor for the radical remedy of redistribution of land. The lines of opposition in the scholarly attempts to explain the crisis all stem from these basic terms. For example, some treatments of the crisis begin from premises of revolutionary economic growth in the Archaic Age to explain, inter alia, the problem of debt; others start from assumptions of agrarian stability to explain faction between the demos and the elite. These opposing premises lead to different conclusions about some of the fundamental terms of the conflict such as access to land and political privilege.

The principle oppositions which come to light in the attempts to articulate the nature and significance of Solon's work fall into the following general categories:

1. Hectamorage as a status relationship versus some form of debt-bondage;
2. Economic revolution in Archaic Athens (emphasizing the rise of commerce and trade) versus general agrarian stability;
3. Partisan strife within the aristocratic level of society itself versus the rise of new, non-aristocratic groups competing for a share in aristocratic monopolies;
4. The rise of a new commercial class versus a new class of middling, increasingly successful, farmer.

In addition, there are several other opposing ideas related in various ways to one or more of the above principle oppositions such as: overpopulation versus demographic stability, agrarian crises, like overcropping, versus relative agricultural stability, chattel slavery versus a more limited slavery tied to individual farms such as is described in Hesiod's *Works and Days*, and radical redistribution of land versus preservation of present rights.

As stated, hectemorage has pride of place, and the opposition between debtbondage, on the one hand, and status, on the other, forms an axis around which to arrange the diverse conclusions of Solon scholarship. It is apparent that *AP* and Plutarch explain Solon's poems in terms of the rich dominating the land and the hectemoroi being in debt to the rich. Both these sources understand the removal of the horoi stones as a sign of the abolition of hectamorage and debt-slavery through the seisachtheia and its related measure of the

abolition of mechanisms of debt-bondage.[112] If this seems straight forward, one must recall Rhodes's comment: "These apparently simple statements have proved anything but simple, and there has been a great variety of attempts to explain the state of land and the peasantry in seventh-century Attica."[113] As an example, Rhodes references the often cited article of F. Cassola which sets out a fourfold division of the treatment of hectamorage, following from different assumptions about land tenure:[114] 1) with land being inalienable, hectemoroi were small holders, who, upon failing to discharge debt owed to aristocratic creditors, were retained on their land working for the benefit of their creditors; 2) Cassola's own view, aristocrats appropriated communal and public lands, forcing poorer farmers who depended on that land to work for the benefit of the aristocrats as hectemoroi; 3) with land being alienable, hectemoroi were smallholders who transferred their land to aristocratic creditors in satisfaction of debt, but were retained on the land as laborers); and 4) with all arable land in the control of aristocratic gene, hectemoroi were hereditary surfs working the land for these aristocratic overlords.[115] Cassola's divisions embody the opposition between hectemorage as debtbondage and hectemorage as status inasmuch as the first three divisions are connected with the problem of debt while the last is connected with the issue of status relationships.

Of English speaking scholars, W.J. Woodhouse provides the classic treatment of hectemorage connected to the inalienability of land.[116]

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[112] Harris, 104, presenting an extreme minority view, criticizes the connection between the horoi stones and the seisachtheia. He argues that the interpretation of ὅρος as a public demarcation of encumbered land is an anachronism imposed by *AP* and that there is no archaic evidence for this meaning. But see in contrast Jaeger 1965, 451 n. 57 who proposed emendation of ὅρος in fr. 37, 9, to δορός. In this fragment the word ὅρος cannot mean mortgage-stone and is usually translated as "barrier" (Linforth, 139) or "boundary stone" (Freeman, 216); such a meaning (as opposed to mortgage-stone) was so un-Solonian to Jaeger that he believed the word therein a corruption.

[113] Rhodes, 1993, 90.

[114] Cassola 1964, surveys the scholarship beginning right from Fustel de Coulanges' *La cité antique* (1864) and continuing with such venerable 19th century names as Busolt, Grotz, and Wilamowitz, as well as the names of others who contributed to the discussion prior to Woodhouse (1938) such as Guillard, De Sanctis, Swaboda, Beloch, Glotz and Meyer.

[115] Rhodes 1993, 92, summarizing Cassola's views.

[116] Although Woodhouse's work *Solon the Liberator* appeared in 1938 it is still influential as is indicated by L. Foxhill's (1997) criticism of it in her review of modern Solonian scholarship. See, also, Rhodes 1993, 93: "The theories of W.J.

As it turns out he ultimately explains hectamorage as a kind of elective status, chosen, in a sense, by the distressed small farmer in lieu of debt-bondage. The fundamental premises of his argument are that farm land in Attica, as opposed to non-arable land, was inalienable,[117] that various modes of agricultural failure placed the owners of smaller farms in a position of ineradicable debt, and that desire for greater wealth among the aristocratic owners of large estates, arising in part from new standards of wealth in an emergent commercial economy, led to an exploitation of farmers of smaller parcels. Thus, while the focus of Woodhouse's discussion is land-tenure and hectamorage, the sweep of his argument touches one side or another of the various oppositions set out above.

Woodhouse divides land in archaic Attica into two categories: 1) inalienable arable land allocated according to familial divisions[118] and 2) non-arable common land, e.g. grazing pastures on mountain slopes, not specifically allocated to anyone or any group.[119] The principle of inalienability combined with the absence of a tradition of serfdom in Attica[120] led Woodhouse to see the hectemor as a farmer in possession of an ancestral familial parcel. In addition, the implications of *AP* regarding the control of Attic land required Woodhouse to explain how the hectemor's small farm could be under the control of wealthier landed aristocrats. For this purpose he adapts for application to the conditions of seventh and sixth-century Attica the

Woodhouse, *Solon the Liberator*, esp. 42–79, based on the assumption that land was inalienable, have with modifications found many supporters." In fact, for work beginning from premises of ownership, it is difficult to find much that is truly new outside of Woodhouse's treatment. The modern scholars working on this issue owe a debt to Woodhouse, which seems sometimes to go unacknowledged. See, e.g., French 1956, passim, whose proposals for the mechanisms of hectemorage are formally very similar to Woodhouse's, yet Woodhouse is not cited in his article.

[117] Fine, 178, says: "The system of land tenure in early Attica is a problem which has exercised the learning and ingenuity of scholars for generations." Consider, two extreme and one moderate view. Fine 178 ff, holds that land was completely inalienable at the time of Solon so that the idea of a real property security interest could have no meaning in Solon's Athens. Rhodes 1993, 92–93, at the other extreme, argues that the Athenians' view of themselves as autochthonous and the tradition of migration to Athens means that land had to be alienable. A middle position, Finely 1975(b), 158–159, holds that inalienablity was not a formal idea and that the custom was gradually eroded as political conditions changed.

[118] Woodhouse, 74 ff.

[119] Woodhouse, 74; see also Rihll 1991, 104 ff, for a discussion on public land holding around the time of Solon.

[120] Woodhouse, 63–64.

concept, familiar to British common law, of the division of rights in real estate. Thus Woodhouse proposes that the prohibition on alienation in Solon's Athens did not forbid the transfer of certain limited rights in arable property short of the conveyance of the complete ownership. Under such a mechanism an owner of inalienable farmland could, without violating the restriction on alienation, subject his property to a servitude which would attach to the land itself and be binding on all heirs to the parcel.[121]

With respect to the poles of opposition, Woodhouse must be grouped among those scholars who see the rise of a new commercial economy in Attica and conditions of agricultural distress threatening the subsistence of small farming enterprises. Although he does not see revolutionary change in the conditions at the time of Solon, nevertheless he finds a general and gradual transition of the Athenian economy from the cultivation of small freehold estates toward a more commercially oriented system of trade and exchange. Influenced by the potential for a higher standard of luxury from the growing commercial economy, the aristocratic owners of larger estates developed a desire to control the productivity of more land so as to place goods into the stream of commerce for the sake of greater profit. Concomitant with growing aristocratic interest in commercial profit, Woodhouse sees an increasing inability of the small freeholder to meet the requirements of subsistence from the produce of his land. In his view, some of these farmers found themselves in economically impossible circumstances due to some mode of agricultural failure, possibly, for example, a depletion of the arable potency of the soil. Consequently they were in a position to have to borrow from the wealthier aristocratic landowners in order to meet their basic needs. Within the system of natural economy prevailing during the development of hectamorage there was no mature mechanisms of exchange based on money. Thus the disadvantaged farmer could not borrow to boost his production by increased efficiencies, e.g. by acquiring technologies for greater crop yields and the like, but borrowed only to avoid absolute poverty and starvation. The need of the poor was for subsistence loans, and the desire of the rich was to invest capital to control land.

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[121] Ibid., 75.

Under these conditions Woodhouse saw the aristocrats actualizing their desire for the control of land in two ways. They began to appropriate the common land to their private ownership to the disadvantage of the small landowners who likely used this land for pasturage. In addition, eager for opportunities to control agrarian productivity, the landed aristocrats were ready to take advantage of the increasing distress of small farmers. However, in order to effectively control the farmers' small free-hold parcels, they had to find a way around the restrictions on alienation.[122] In this intersection of desire and distress Woodhouse sees the origin of hectemorage. Analogizing from the πρᾶσις ἐπὶ λύσει, a kind of mortgage contract which was well-known in Classical times and also connected with horoi stones,[123] Woodhouse, with considerable ingenuity, explains hectemorage as arising from a servitude on the land of the distressed farmer which he calls a sale with an equity of redemption. He presents his analysis in the legal language of the πρᾶσις ἐπὶ λύσει, namely, debt, loan, interest, possessory rights, sale, purchase-price, and servitude, but is fully aware that the pre-monetary conditions of Solon's times makes this language anachronistic and thus only analogical.

Hence, by taking advantage of small farmers in distress, the aristocrats positioned themselves to purchase the possessory right rather than the absolute ownership of the distressed land for the purchase price of a subsistence loan. This loan then accrued interest at the rate of one-sixth the produce of the land per annum. However, because of the restriction on alienation, this purchase was perpetually subject to a right of repurchase vested in the original owner and his heirs, a kind of equity of redemption. Through this device, a sophisticated legal fiction in Woodhouse's view, no technical transfer of ownership occurred, and the right to re-establish the possessory interest in the family-line of the original owner never ceased to exist. Woodhouse also believed that the aristocratic purchasers were required to lease the possessory right back to the original owner and his heirs at the rent of a one-sixth of the produce of the land. This

[122] Woodhouse, 147. Woodhouse sees a kind of gradual erosion of the principle of inalienability fueled by aristocratic greed. Even Finley's view (1975[b], 159), therefore, of a gradual chipping away of the custom of inalienability under political conditions which made land transfer desirable seems to have been anticipated by Woodhouse.

[123] For a description of the mechanisms of this security interest see Appendix V.

was not an option, but part of the institutional form of the transaction. The distressed owner had, as Woodhouse put it, "an absolute right of tenancy, which the purchaser of the possessory right was bound to respect, and could not override."[124] This made the distressed owner, in effect, a tenant on the land until such time as the equity of redemption was exercised. In reality he became a life tenant, since it was unlikely that he would ever be able to raise the resources to repay the purchase price. Therefore, notwithstanding the outward form, the economic reality of the transaction had the following aspects: 1) the aristocrat invested his capital for a profitable return of one-sixth the produce of the land; 2) his loan was secured (not formally since, according to *AP*, only the person of the debtor could formally secure a loan prior to Solon's reform) by ownership of the possessory right of the land; 3) and he also acquired what amounted to free labor insofar as the distressed owner became a life tenant on the property.

This arrangement, however, was only the first step toward hectemorage for the distressed owner. As long as the sixth-part interest was being paid the tenant was not in danger of becoming subject to seizure. However, if he fell into arrears on the sixth-part payment, the danger became real. Woodhouse envisions a kind of escalating situation where the aristocratic landlord began to fund arrears in the original sixth-part rent as a loan which would then bear interest at the rate of one-sixth the amount of the arrearage funded. The debt accumulated by continual funding of arrearages and soon would become insurmountable. Then the tenant faced either debt-slavery or alternatively hectemorage. To choose hectamorage, according to Woodhouse, meant that the tenant stayed in possession of his original lot, but now, rather than paying a sixth-part of the produce, he retained only a sixth-part as a mere subsistence dole and had to turn over five-sixths to the lender-landlord.[125]

Thus the situation under the sale of the possessory right, where the laborer-tenant still controlled the use of the land, was reversed, and now these tenants tilled the land as the aristocratic landlord saw fit. That is, the aristocratic landlord now had the right to force the use of land, although it was still the hectemor's as to the technical right of possession, to the more profitable production of olive and

[124] Woodhouse, 154.
[125] Ibid., 160.

grape. According to Woodhouse, hectemorage was, in part, an institutional vesting of this right in the aristocratic landlord. In this way the aristocrat accomplished his ultimate objective: "to absorb the peasant and his land—and more especially his land."[126] Thus the hectemoroi constituted a separate group from ordinary debt-bondsmen.

The institutional character of hectemorage follows for Woodhouse from the economic reality in the sale of the possessory right. The subsistence-loan in all cases likely bore no relationship to the actual value of the possessory right in the land, nor was the sixth-part rent likely to have had any relationship to the true economic value given and received between the aristocratic purchaser and the distressed farmer. The transaction was not struck at arms length between individual parties, but was on the same terms, wherever and whenever entered, indicating the force of institutional weight. That the terms of the transaction were highly biased in favor of the aristocratic capitalist is a fact which for Woodhouse fits with the indications of *AP* that all the land was in the hands of a few and that Athens was an extreme oligarchy. In this sense, then, hectemorage was an obligatory institution of the state, enforceable by the polis. The transaction, in all its aspects, from the exchange of possessory right to the implantation of the horos stone as a public record touching the land,[127] flowed from some level of societal imperative. Woodhouse admits, however, that the evidence is insufficient to know whether the nature of this imperative was legal or merely customary.

The seisachtheia, for Woodhouse, was a twofold stroke, the destruction of hectemorage by the prohibition of loans on the security of the person and the return of absolute possession of the servient lots to the holders of the equity of redemption. The return of possession into the line of the original distressed owner occurred because the cancellation of the original debt activated the equity of redemption. The horoi stones were evidence not only of the aristocratic landlord's right of control, but also of the vested right of redemption in the families of the hectemoroi.

The condition of indebtedness gives rise to an election of sorts to avoid debt-bondage in favor of an institutionalized form of indefinite labor for the primary benefit of the aristocratic class. Nevertheless

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[126] Ibid., 155.

[127] Ibid., 177. Woodhouse thinks that the redemption price, i.e. the price of the original loan, was recorded on the horoi stone.

Woodhouse does not see the hectemoroi as constituting a class of surfs or a peasantry. Woodhouse distinguishes between a hectemoroi and a non-hectemoroi class of free, possessorial, and independent farmers still cultivating their ancestral holdings.[128] He also distinguishes the hectemor from the free, landless laborer whom he identifies with the thetes.[129] Hectemorage became a kind of status whose permanence was sealed by the pragmatic impossibility of removing the massive obligations of the original debt and the accumulated arrearages, and in that sense, tantamount to slavery. Thetes, in contrast were not only free, but drawing an inference from *AP* 7.4, might also improve their social status by windfall. The hectemoroi, unlike the thetes, were so completely dependent on the aristocratic citizen for whom they labored that the terminology of slavery used by the sources to describe their condition was quite proper and all but literal. However, for Woodhouse it is essential that the hectemor was not a true slave like the Lacedaimonian helot. The status of helot was defined by a relation to the state, and this status included exclusion from membership in the polis. The hectemoroi, in the view of both Plutarch and *AP*, were included in the demos and therefore were part of the polis in a way in which the Lacedaimonian helot was not. For Woodhouse, hectemorage was a relationship between individuals, one in a position of advantage arising from aristocratic wealth and one in a position of disadvantage arising from a debt undertaken because of an inability to provide for his and his family's subsistence through the cultivation of his land. The aristocrat's ability to enforce the servitude was a private as opposed to a public power, institutionally supported by what Woodhouse calls a spiritual force of community expectation. Thus no matter how great the oppression of the servitude, the hectemor, unlike the helot, remained part of the polis and therein shared something essential with the aristocrat.

Woodhouse, however, is aware of the objection that his view may be seen as the very redistribution of land which Solon disclaimed. Thus Sealey says: "If Solon assigned such land to the hectemoroi, his work was in the nature of a social revolution."[130] Woodhouse's

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[128] Ibid., 40.
[129] Ibid., 51 ff.
[130] Sealey 1976, 111.

response is that no technical redistribution occurred because the aristocratic overlord never held the absolute ownership of the land and that the horoi stones exhibited to the world the vesting of the right of redemption in the family of the hectemoros. In Woodhouse's pointed prose: "No tear need be dropped over . . . the great landlords who had . . . been repaid, and many times over, for their original outlay . . . We can scarcely doubt that perception of this as the true state of affairs was largely the secret of the acquiescence of the rich in the Seisachtheia."[131] The issue of redistribution is a knotty problem which is tied to the opposition between hectemorage as a status relationship and as a form of debt-bondage. Woodhouse's view falls in the middle.

We turn next to the analysis of N.G.L. Hammond,[132] who begins, as Woodhouse did, with the premises of inalienable arable land tied to familial groups, the full alienability of non-arable land, and debt as the catalyst of hectemorage. However, appealing to a certain fragment of the lost first part of *AP*, Hammond takes a unique turn in his analysis describing hectemorage as a legal institution discriminating formally between two classes of Athenians.

For Hammond, the descendants of the original Athenians guarded their racial purity through the preservation of the ownership of land within familial groups divided into tribes and phratries dating back to the period between the fall of Mycenae and the great migrations.[133] The mutual awareness of a single racial heritage generated a policy of political equality. So Hammond says: "Athenians of pure racial descent prided themselves on their equality and liberty, and they had no tradition of a submerged group of inferiors, serfs or plebeians within their own ranks."[134] Given this arrangement, Hammond puts the question how a society so organized would incorporate new citizens by way of naturalization of migrants. He discerns

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[131] Woodhouse, 178. But note French 1956, 20, who on an explanation of hectemorage similar to Woodhouse's holds that the seisachtheia dispossessed peasants of their hereditary kleroi-lots.

[132] The main source for the argument is Hammond's article "Land Tenure in Attica and Solon's Seisachtheia," (1961).

[133] Hammond's view of the early existence of a version of the complex tribal system which certainly existed during the polis period is at odds with the conclusions of Roussel in *Tribu et Cite* and W. Donlan in such writings as "The Relations of Power in the Pre-State and Early State Polis," (1997) who see little sign of complex tribal organization in the late Dark and early Archaic Age.

[134] Hammond 1961, 77.

two methods: one by adoption into a genos, resulting in a group of citizens called γεννῆται ὁμογάλακτες (literally: clansmen suckled with the same milk); a second by admission as a separate group, not into the system of genê, but into the system of phratries, resulting in a group of citizens called ὀργεῶνες.[135] The citizenship of the orgeones was a result of membership in a phratry but was distinguished from native citizenship because the orgeones had no ties to the ancient system of genê. Once membership in a phratry became a means of naturalizing migrating aliens, there was no longer a need to adopt such persons into genê. Therefore at the time of Solon, Athenian citizens fell into two groups, gennetai and orgeones.[136] Hammond places citizenship by adoption in the time of the unification and synoicism of Theseus and citizenship by admission into a phratry in the time of the migrations subsequent to the Dorian invasion.[137]

Following mainly Aristotle in the *Politics* and Thucydides, Hammond holds that the πρῶτοι κλῆροι (original allotments [of land to citizens]) were inalienable and that the restriction on alienation of such lots was probably set by law. Hammond's view is that the original allotments of good arable land vested in the genê and belonged to the οἶκος, i.e. the household comprised of relatives up to the degree of first cousin. Neither the head of the family nor the family as a whole had any right of disposition over the kleros-lot. Land in Attica which did not constitute part of the original kleroi, namely the non-arable land of the hill county, the so-called eschatia, was outside the genos system and thus free of the stringent restraints on alienation.[138] It

[135] Hammond's argument here derives from the discussion of the terms ὁμογάλακτες and γεννῆται as their meanings are developed in Philocorus and Pollux. See Hammond 1961, 79.

[136] Hammond's argument for two groups derives from the following fragment of *AP*: "πάλαι τὸ τῶν Ἀθηναίων πλῆθος πρὶν ἢ Κλεισθένη διοικήσασθαι τὰ περὶ τὰς φυλάς, διῃρεῖτο εἰς γεωργοὺς καὶ δημιουργούς." (Long ago the majority of Athenians were divided into georgous and demiourgous, before Cleisthenes' arrangement of the tribes.) (See Kenyon's OCT text: *Fragmenta Deperditae Partis Primae* 3, 24 ff). For Hammond this division applied to Athens at the time of Solon. Georgoi named the original gennetai, who possessed the inalienable arable land. Demiourgoi named the orgeones who owned the alienable non-arable land. Hammond's view is in conflict with the classic view of Wade-Gery who held this same language to apply to Athens at the time of Ion, before the migrations. Specifically, for Wade-Gery, the demiourgoi could include gennetai. See Wade-Gery 1931, 4.

[137] Hammond 1961, 81. Simply for general temporal reference, Theseus was pre-Trojan war and the Dorian invasion was post-Trojan war.

[138] Ibid., 86.

seems then that the non-arable, non-kleros land was available for purchase by gennetai and orgeones alike. To this land Hammond relates Solon's law limiting the acreage which an individual could own.[139]

Based upon this division, Hammond works backwards from an implication of Solon's, fragment 36, 18: "θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι" (laws similar for the bad and the good). He interprets this to mean that the laws of Draco on debt, which Solon repealed and re-worked as part of his overall codification of new laws, did not treat the high-born (ἀγαθοί = γεννῆται on Hammond's interpretation) and the low born (κακοί = ὀργεῶνες) equally. If one of the gennetai fell into insolvency and defaulted on his loans, the creditor was institutionally entitled to one-sixth of the produce from the otherwise inalienable kleros-lot.[140] However, the law of debt discriminated against the orgeones inasmuch as it provided for the creditor to sell debtors from this class of citizens into slavery so as to realize the value of the loan.[141] It may be possible to infer that debt-bondage was a preferable remedy for the creditor of a landed orgeones due to the marginal value of the non-arable land which Hammond believed that such persons owned.

Thus hectemorage under Hammond's analysis can be explained as follows: 1) there were two classes of citizens in Athens at the time of Solon, gennetai and orgeones; 2) gennetai owned land which was inalienable, but orgeones, if they owned land at all, owned only non-arable, and therefore alienable land; 3) Draco's law of debt discriminated between gennetai and orgeones subjecting orgeones to enslavement and/or sale but subjecting gennetai only to hectemorage. The land of the hectemoroi remained vested in the owner-debtor but was perpetually under servitude. When Solon canceled the debts, he obviated the obligation to continue paying a sixth of the land's produce. There was no issue of redistribution of land, because hectemorage effected no transfer of ownership.[142]

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[139] For the law see Arist.*Pol.* 1266b16.
[140] Hammond 1961, 90.
[141] Ibid.
[142] Ibid. Hammond's argument gives great weight to the disjunction in Plut.*Sol.* 13.3, which seems to distinguish hectemorage from ordinary debt-bondage. He discounts greatly the implication of *AP* 2.2 that even hectemoroi were subject to bodily seizure for default on land rent. He think's that *AP* is colored by fourth-century concepts, specifically the πρᾶσις ἐπὶ λύσει. He does not think *AP* can answer 1) how

Of the modern scholars who fall within Cassola's second division (aristocratic appropriation of public land) and who focus on hectemorage from the standpoint of the expansion of farming activities beyond the kleros parcel, Rihll and Gallant present views at the extremes.[143] Gallant explains the hectemoroi as a hereditary labor force working the public and common land which the aristocratic elite controlled. Rihll, on the other hand, sees hectemoroi as lessees of public land under the control of the polis.

The center of Rihll's theory is the position that the land involved in the case of hectemorage was not the kleros-lot but rather public land owned by the polis and leased for an institutionally established rent of one-sixth the produce.[144] Thus the question of the alienability of land becomes irrelevant to the issue. Rihll argues that the common land was owned by the state and available for various kinds of use as the need arose. She hypothesizes that before the time of Draco pressure for the organization of the more appealing and more convenient public land began to increase. Rihll's most distinctive idea is that Draco attempted to provide a solution to the problem of this unregulated use of common land by creating in his very law code the institution of hectemorage. He attempted to govern the demand for this land by exacting a quid pro quo for the state-granted right to possess and control a portion of the public lands. Part of the consideration for the lease was a payment to the state of one-sixth of the produce arising from the use of the land as a kind of rent for leasehold. The base rent of a sixth and any arrears was secured by the physical person of the tenant. Moreover, inasmuch as rent paid from the yearly harvest was always necessarily one year in arrears, the lessee of the public land was indebted to the state during the annual term of tenancy. Since such indebtedness was, according to Rihll, a technical violation of Athenian criminal law, the tenant was ἄτιμος, or disenfranchised, during his tenancy and thus excluded form public affairs. Rihll believes that this device of Draco's law was intended to control the increasing likelihood of conflicting claims for

all the land was controlled by the few; 2) why the rent was everywhere the same; and 3) what the connection was between default in rent and insolvency unrelated to tenancy.

[143] Rihll's theories are set out primarily in her 1991 article "ΕΚΤΗΜΟΡΟΙ: Partners in Crime?" and Gallant's in his 1982 article "Agricultural Systems, Land Tenure, and the Reforms of Solon" *BSA* 77 (1982): 111–124.

[144] Rihll 1994, 103.

the use of public land.[145] The horoi marked the lessee's disenfranchisement as well as his obligation to pay a sixth-part rent to the state and the state's claim on these lessee-hectemoroi.[146]

In correlating her theory to Solon's poems, Rihll interprets the discourse of fragment 4 concerning the greed of the rich and their crooked judgments as a reference to an unfair application of the public lease laws. She hypothesizes that aristocrats, with influence in the oligarchic government, used the lease laws as a shield to protect their own unjust appropriation of public land and as a sword to dispose of private and/or public enemies under the provisions for debt-slavery.[147] For her, this abuse was the essence of the crisis which required the appointment of Solon. Moreover, Rihll believes that Solon, even before his archonship, saw and predicted that this kind of crisis would result from Draco's system of hectemorage and that it would lead to a violently unstable situation in the state. Because of his foresight, the contending parties were impressed with Solon's understanding of the cause of the difficulties and therefore appointed him to rectify the dangerous situation.[148]

Solon therefore utilized the cancellation of public debt and his amnesty law as the tools to eliminate hectemorage and, thus, the cause of aristocratically driven injustice in the state. For Rihll Solon's seisachtheia and his amnesty law were two sides of the same coin. The amnesty law, referenced in Plut.*Sol.* 19.3, functioned by returning the ἄτιμοι (disenfranchised) to the status of ἐπίτιμοι (enfranchised). Therefore, when debt was canceled under the seisachtheia the hectemoroi were no longer deemed public criminals, were forgiven, and were again included as full and complete members of the polis. For Rihll, when Solon said that he freed Athenians who had become domestic slaves (*cf.* fr. 36, 9–15), this meant that he re-enfranchised public lessees. In connection with the cancellation of public debt, the logic of Rihll's position leads her to hold that Solon also formally conveyed title in the public land to those hectemoroi who were leasing it from the state at the time of the seisachtheia. Rihll does

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[145] Rihll 1991, 116.

[146] Ibid., 116–117.

[147] Ibid., 121.

[148] Rihll argues that Solon's frs. 9–11, generally thought to refer to the tyranny of Peisistratus, refer rather to Draco's creation of hectemorage. Rihll sees these poems as predicting the widespread abuse of the law by aristocratic elements and the consequent oppression of the demos. For the details see Rihll 1989, 277 ff.

not see this new investiture as a redistribution of land because Solon was not confiscating private land from the holdings of some and giving it to others but only permitting public land formerly owned by the polis to become new private land.

Gallant also finds the hectemoroi on the common lands of Athens but from quite a different perspective. He argues from demographic factors and cultural conditions pertaining to the status of wealth during the eighth and seventh centuries that the wealthy owners of large estates extended farming activities to previously unoccupied land, including the common and public land of the polis. This extensification created labor requirements that were satisfied on the whole by the institution of hectemorage.

A substantial increase in population during this period led to the need to produce more food for general subsistence. Noting the absence of a colonization movement in Athens during this same period as well as the several advantages of extending rather than intensifying cultivation, Gallant is led to hypothesize extensification of agriculture as the more probable direction of Athenian efforts to provide for the needs of a greater population.[149] Placing more land under cultivation, as opposed to working existing parcels more vigorously, increases the availability of fallow land for crop grazing. This in turn provides for increased manure for use in the greater number of fields under cultivation. Gallant regards this sequence as an ascending spiral which perpetuates the increase in overall agricultural productivity. He notes that extensification of this sort requires substantial capital investment in the form of seed, work animals, and manure, which only the prosperous land owners could provide, who were already enjoying the surplus proceeds of a large estate. Therefore, extensification was primarily the project of the elite of the community. The one element which this aristocratic constituency could not provide was the large labor pool required by the increased acreage under cultivation.

In addition to the subsistence needs of a greater number of people there was also the possibility of greater wealth resulting from the farming of a greater number of acres. Gallant argues that the wealth generated from agricultural activity was the key to status in archaic

[149] But see Foxhall, 123, 127, who presents field surveys showing no trends of increased occupancy or use of the Attic countryside and thereon directly challenges theories of extensification of farming activities.

communities and notes that the control of land and the possession of livestock was one aspect of the kind of visible wealth coveted by those conscious of their status. He also discounts arguments for a revolutionary economic development in the trade and industrial sectors, which others have seen as the reason behind theories of increased aristocratic productivity: i.e. more agricultural produce for the sake of exchange in trade. For him the aristocrats extended farming to common lands in order to acquire the accoutrements of wealth derived from land ownership.

Such conditions of cultivation required an enhanced labor force during the peak periods of seeding and harvesting,[150] and this point is the heart of Gallant's theory of hectemorage. The hectemoroi constituted a part-time labor force to work the larger farms of the elite during such periods. In exchange for this work they received one-sixth of the produce from the aristocrat's estate, but still had to maintain their own small farms to support their livelihood. The reception of one-sixth is the unique part of Gallant's theory. The majority of scholars believe that the hectemoroi had to pay a sixth part as a form of interest on debt.[151] For Gallant, however, the reception of this sixth part created a kind of perpetuating reciprocal relation between the hectemor and the aristocratic farmer. It created an obligation to work continually on the aristocrat's estate because of the requirements of reciprocal giving.[152] The theoretical underpinnings of this obligatory relationship between the high and the low flows from debt-bondsmanship as a form of status relationship.[153] The

[150] Note in this connection Starr's argument, 1977, 150–151, that the only feasible change which could account for greater food production in the face of population increases due to growing urbanization "would have been the conversion of independent farmers into day laborers." Starr also notes that less arable land, the so-called eschatia, was put under cultivation, thus further increasing the need for such a mobile labor force, and this view comports with Gallant's view of the extensification of agriculture by the appropriation of such land by the elite.

[151] Gallant, 123. Despite the majority view Gallant points out Pollux (7.151) who says that the hectemoroi received a sixth. Woodhouse, as discussed earlier in this section, regarded the transition from debt to default as the transition from paying one-sixth interest in kind, to receiving one-sixth, i.e. now, as a hectemor, paying five-sixths to the landlord creditor.

[152] Gallant, 111–112.

[153] This portion of Gallant's argument is less than optimally clear. What needs further development is the mechanism which obligated the hectemor to work for the agricultural elite. Gallant appears to suggest that it is something more permanent than mere economic benefit, for he is not suggesting that the hectemoroi could

source of the Solonian crisis, according to Gallant, was the social indignity of the obligation to provide labor to an upper class.[154] For Gallant, Solon's nullification of this obligation took the form of laws which prohibited the enforcement thereof by reduction of the defaulting party to slavery.[155] Gallant believes that Solon also curtailed the monopolization of the common land which the rich appropriated during the period of extensification. Thus in Gallant's system there is no issue of the redistribution of land.[156]

Scholars within Cassola's third division approach the problem of hectemorage under the assumption that land was alienable in archaic Attica.[157] Motivating this mode of explanation is a suspicion against the complexity required by the premise of inalienability. So, for example, Starr remarks that "it would be better to cut the Gordian knot by admitting that rural acres *could* change hands and that control over the labor which produced the crops could be concentrated for profit of avaricious masters."[158] Under such a hypothesis the explanation of hectemorage would take the following form. A debtor would forfeit ownership of land in satisfaction of his debt. Such of these debtors as remained in Attica, i.e. those who were not sold into slavery abroad, would be compelled thereafter to work the land for the benefit of the creditor. They would receive a sixth part of the proceeds for their own subsistence and would thus be reduced to a condition resembling serfdom.[159] Consequently, as the argument goes, the semi-landless hectemoroi become virtually insignificant in

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opt not to work for the elite in a year, say, of good productivity on their own subsistence farms when they would not need the extra sixth.

[154] Gallant, 124.

[155] Ibid., 124. The novelty of Gallant's theory leaves questions. Is Solon's nullification of hectemorage tied to the seisachtheia? What would the seisactheia be, since for Gallant hectemoragte is not a problem of debt? Gallant's theories are derived not so much from historical sources as they are from economic and social theory. Thus he sees the source of obscurity more in the historical account of others than in his theories.

[156] Gallant does not treat the question how Solon provided for the use and allocation of this public land after nullifying hectemorage.

[157] It should be noted that scholars who regard archaic land as alienable tend to discount *AP* as good evidence for the Solonian crisis. Thus see Hignett, 88: "The statement in the *Athenaion Politeia* that the whole land was in the hand of a few is bound up with a fundamentally false view of the situation which Solon had to face." See also Sealey 1976, 110: "Doubtless he (Aristotle) exaggerates the extreme character of the situation confronting Solon."

[158] Starr 1977, 183 (emphasis his).

[159] Cf. Hignett, 87.

the political struggles leading up to the appointment of Solon. Rather, in the analyses of these scholars, it is the middling farmer, some reasonably successful, some barely staving off hectemorage themselves, that resisted the fierce attempts of the copiously landed elite to appropriate for themselves the parcels of more and more small farmers.[160] These scholars place this class of middling farmers at the center of the trouble in the time of Solon, whether alone or, as one version of the theory goes, in alliance with elite families of lesser influence.[161] The farmers alone, or in collusion with the lesser elites, encouraged the cry for the redistribution of land among the disaffected. The issue of redistribution became a political ploy to make inroads for themselves on the monopoly of the controlling elite. Since in this view the hectemoroi were long since divested, Solon's reforms resulted in no actual redistribution of land. These scholars bring in support of their theory the disgruntlement which Plutarch (16.1) describes among those whose expectation had been excited for political purposes.

For scholars falling within Cassola's fourth division—hectemorage as a status relationship—to speak of the hectemoroi as semi-serfs or peasants[162] and, at the same time, to assign the cause of hectemorage to debt,[163] is to blur a fundamental analytic opposition between bondage due to some mode of economic hardship, on the one hand, and a more permanent status relationship, on the other. So, for example, there was in Woodhouse's analysis, a point in the complex spiraling devolution of the subsistence farmer which required an election between a permanent kind of indentured status or debt-bonds-

[160] Ibid., 88: "There must have been many freeholders left whose determination to resist expropriation constrained the nobles to accept the appointment of Solon."

[161] For the theory of conflict based on competition between a rising class of successful middling farmer and old-birth aristocrats see Osborne 1998, 223, noting that Solon's world was one of bitter conflict among the elite. See also Hanson, 107, holding that the zeugitai represented the middling farmer and that they are to be seen in opposition to the elite class. See Foxhall, 131 for the view that the top two Solonian classes represented a very wealthy elite class, even by the standards of classical times. For the possibility of less powerful aristocratic families joining forces with the aspiring middling class see Hignett, 88, noting that Solon's supporters included farmers and some of the richer, more influential citizens. Starr 1977, 178, held that aristocrats had to be cognizant of the political power of a rising hoplite, whom he identified with the small-hold farming class. Sealey 1976, 114, argued that feuding aristocratic clans relied on the numbers of their dependents for a greater political voice.

[162] Woodhouse, 155; Starr 1977, 91, 119, 161; Austin & Vidal-Naquet, 210.

[163] Woodhouse, chap. VII; Starr 1977, 182; Austin & Vidal-Naquet, 60.

manship which included possible sale into slavery. Perhaps the seminal exposition of hectemorage as a status relationship is that found in M.I. Finley's work on debt and credit relationships in the archaic world.[164]

In archaic society, including archaic Attica, an essential concern for those in control of arable land was the provision of labor for essential farming. The phenomenon which the historical sources describe as debt may, from a deeper sociological perspective, more properly depict a dependency relationship between classes, between the rich and the poor, the elite and the common, rather than an economic relationship. This is the fundamental distinction behind Finley's work.[165] The theory supporting the claim is that the powerful in such non-complex societies has no motive to enter a relationship with a man of weaker position for purposes of profit, since such a one has no real power to reciprocate. To put it in more familiar, if anachronistic, terms, the rich only lend to the rich because it is the rich who can pay with interest. Thus lending to the poor must have a different motivation.[166] The indebtedness of the poor was of interest to the rich in archaic Attica for the sake of the 'bondage' or 'servitude' which it implied.[167] Inasmuch as the man who found himself needy in the non-monetary, non-commercial Athenian society, emerging from an even less sophisticated Dark Age, would never be in a position to repay an obligation, the interest of the powerful in a debt-relationship was to bind the weaker element to himself for the purpose of providing for his own needs. Since the greatest need of the powerful in archaic Attica was for workers to cultivate his arable holdings, one of the primary effects of debt was to create an indentured labor force precisely for this purpose.[168]

Thus for Finley the roots of the problem of hectemorage lay in the distant past in the creation of a population of persons bound by a relation of personal servitude to the more powerful owners of large

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[164] The main source used herein is Finley's "Debt-bondage and the Problem of Slavery" (1981).

[165] Finley 1981, *passim.*

[166] Ibid., 153.

[167] Ibid.: "By 'bondage' or 'servitude' I mean any relation of personal dependency, other than familial or economic (as in modern wage-labour situation), whether chattel-slavery or helotage or the statuses which can be described, in the phrase of the ancient lexicographer Pollux (3.81), as being between free men and slaves."

[168] Ibid., 155.

parcels of arable land.[169] Thus Finley distinguishes between the servitude of the hectemor and the debt-bondage to which he would be subject if he defaulted on the obligations of hectmorage.[170] The permanence of the relationship warranted the description of the hectemoroi as slaves which is found in the historical sources. The severe social inequality between constituents of the same polis, when added to the mix of discontents at the beginning of the sixth-century, fueled the highly flammable fire which Solon was called upon to extinguish. Thus Finley's analysis provides theoretical backing for categorizing hectemorage as essentially a status relationship not wholly dissimilar to serfdom. Although some of the scholars who analyzed hectemorage in terms of debt relationships also flirted with status characterization, e.g. Woodhouse,[171] Finley's analysis clarifies the fundamental opposition in the points of view.

Thus far, then, is a major line of oppositional tension in Solonian studies between hectemorage as debt and hectemorage as status. No one of the scholars discussed, except perhaps Finley whose purposes are more theoretical, aligns himself precisely with one of these poles of opposition. Each speaks primarily of debt, but also of status, if only to acknowledge that there is substance to the characterization of the hectemoroi as enslaved. This account of hectemorage naturally intimates the remaining areas of opposition which were proposed as axes of direction for a treatment of the Solonian crisis. Discussions of debt, for example, implicated discussions of economics which in turn hinted at the opposition between economic revolution and agrarian stability. Hence we round out this section with a brief, but direct exposition of the remaining currents of opposition which form the contours of modern Solonian scholarship.

First is the opposition between economic revolution and agrarian stability.[172] Scholars who see economic revolution in the period lead-

[169] Note Forrest 1966, 149, who parallels hectemorage with Genesis 47, where under the distress of famine Joseph purchased land for the crown: the terms of divestiture being the payment a fifth-part of the produce to Pharoah. Forrest regards it thus plausible that hectemorage emerged as a status "without any pre-existing debt" (150), a weaker class voluntarily placing itself under the protection of the stronger, this relation becoming hereditary. Finley 1981, 268 n. 28, recognizes Forrest's parallel.

[170] Finley 1981, 29 n. 29 and 156.

[171] Woodhouse, 178.

[172] It is impossible in any discussion of ancient economics not to mention the longstanding Bücher-Meyer controversy, embodied in K. Bücher, *Die Entstehung die*

ing up to the Solonian crisis point to signs of increased trade, growing industrial manufacture, development of a monetary factor, probably not based on coin but on metal measures of some sort, and an identifiable movement toward a more commercially based economy.[173] The development of trading activity is seen in the export of Attic Black-Figure ware to the northeast and to the west during the last quarter of the seventh century[174] and in Athenian interest to control positions in Sigeion and Salamis to facilitate access to trade routes from its southern ports for the possible exportation of grain and oil to the Black Sea markets.[175] Due mention must also be made here of the tradition of Solon as man of commerce as well as a man of politics.[176] The evidence supporting the exportation of pottery also suggests an increase in manufacturing activities as does the marked increase in figurines and religious items during this period.[177] In opposition, however, to the commercial revolutionists, other scholars see such movement as there may be in the direction of economic expansion as incremental and not of such a character as to have changed in any fundamental way the predominant agrarian character of sixth-century Attica. These scholars think that too much weight is placed

Volkwirtschaft (Tübigen, 1883) and E. Meyer, *Die Wirtschaftliche Entwicklung des Altertums* (Hatte, 1910). As Starr 1977, 16, describes it: "Bücher advanced a scheme of economic stages according to which the ancient world lay on a primitive level of *Hauswirthschaft*. This view angered two great scholars, Edward Meyer and Julius Beloch, who argued that, on the contrary, antiquity was essentially modern and capitalistic in its economic structure." Meyer's work is the classic statement of the theory of economic revolution in Archaic Greece, which postulates the emergence of a new class of industrialists and traders. See Austin-Vidal-Naquet, 53. In many ways the controversy still persists among modern scholars.

173 See Manville, 83, who finds among modern scholars advocacy for such a revolution in the works of Forrest and Murray (1980). Thus Forrest, 154, says: "Athens too [in 600] had at last reached the stage of economic development that had transformed Korinth a century or more before." And Murray 1980, 240, says: "By the mid sixth century there had developed in the Mediterranean a complex international market economy, involving the exchange of a wide variety of goods and services; in contrast to an earlier age, large-scale activity was now at least as important as the exchange of luxury items."

174 See B.L. Bailey, "The Export of Attic Black-Figure Ware," *JHS* lx (1940), 62.

175 See Forrest, 154, for the exportation of grain and oil in the beginning of the sixth century.

176 However, note Gallant, 112, questioning the evidence of Plutarch 2.1 and 3.1 on Solon as a trader; he suggests rather that late reciprocation under the requirements of a gift culture for his father's previous philanthropy was the source of Solon's wealth.

177 Starr 1977, 38.

on too little evidence.[178] They do not see instances of trade activity or industrial production, for example, as adequate indication of a wide-scale transformation of the predominant agricultural structures of pre-Solonian Attica.[179] The consequence of denying marked economic changes is to affirm the status quo of longstanding and stable agrarian ways.

Even among those who hold to a theory of economic revolution there are also lines of oppositional tensions regarding its application to the Solonian crisis. Some tie economic development with a growing desire among the aristocratic elite for imported luxury goods in attempts to explain a heightening oppression of the hectemoroi. Others downplay hectemorage and look to competition between the old landed aristocracy and a rising class of small holders. They point to their growing wealth generated from new commercial outlets for their agricultural produce. Accordingly, they see this rising middling class competing for privileges of position and power within inveterate aristocratic monopolies.

On any view of economic change in Archaic Athens, there is an identifiable new desire among the old aristocracy for the products of the emerging commercial economy. There were orders for locally produced pottery and artifacts such as the amphoras and craters of the Diplyon workshop. There were expenditures to sustain such conspicuous funerary practices as are evidenced by the production of religious figurines and the dedication of grave-site statuary.[180] There is also the evidence of a growing extravagance of taste represented by the life of the symposia, indicia of which are ubiquitous in the literature of the age.[181] In addition, the aristocrats show a growing appetite for luxury goods from the east, being made available for local consumption by increased, even if, in the view of some, modest trade activity.[182]

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[178] See, Starr 1977, 94 who indicates that the number of artisans and traders in absolute terms was necessarily small and therefore is not evidence for economic change of a revolutionary magnitude.

[179] See, for example, Forrest, 155 (the distribution of pottery is no guarantee of trade in general); Gallant, 120 ("There is no evidence . . . for a regular, consistent 'trade' in grain during the seventh century"); Starr 1977, 69 ("Pottery is so omnipresent in archeological reports that its significance is inevitably exaggerated"). See, again, Starr, ibid., 40–41, who estimates that at the time of Solon over 80 percent of the population of most Greek states was directly tied to the land.

[180] Starr 1977, 38 and 81–82.

[181] Ibid., 46.

[182] Ibid., 65 ("Seaborne trade had certainly been stimulated in its earliest days

For those who apply evidence of economic growth to the problem of hectemorage, this new desire among the aristocrats for luxurious and conspicuous wealth turned them into predators of the land of smaller farmers. Thus in a theory of hectemorage like that of Woodhouse, the aristocratic land owner was motivated to press as much surplus production from farming activities as possible in order to have material to trade for the goods he desired. Given limitations of the natural productivity of the Attic country side as well as limitations of methods of cultivation, the aristocrat required the control of more and more land to support his inflating desire for conspicuous affluence. When their own estates were inadequate to support the level of new wealth to which they aspired, they developed mechanisms to control the production of the land of smaller farmers. This was their only means of continued access to the trade market in order to support their new affluence, since in no one's view did the aristocratic class obtain wealth by actually engaging in the engines of the new commerce.[183] Hence the aristocrat is charged with the calculated appropriation of the parcels of distressed subsistence farmers creating the conditions of hectemorage.[184]

Various theories of agricultural depletion often accompany this view of hectemorage, the most notable being that of French.[185] In his view, the depletion of soil fertility can be traced to two causes: general overproduction due to a growing demand for food and overproduction fueled by aristocratic greed for agricultural goods to trade. As population increased after the period of the Dark Ages, original lots had to be worked harder to provide food for the increasing number of people, and intensive cultivation of land, poor to begin with, became more and more prevalent.[186] In addition, more and

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partly by a desire for the luxuries of the Near Eastern workshops, which appealed especially to the incipient aristocracies of the Greek states.") and 77.

[183] Cf., e.g., Snodgrass 1983, 16, where it is suggested that the wealthy landowner purchased the ship but employed agents from a lower class to undertake the actual operations of trading.

[184] Woodhouse's theory is, of course, the classic statement of this kind of explanation, but see also Hopper, 143.

[185] See primarily French's article "The Economic Background to Solon's Reforms" (1956).

[186] Woodhouse and French both believe that the productive capacity of Attic land had reached its limit around the time of Solon; Woodhouse, 162 and French 1956, 11 and *passim*; French cites overpopulation and the burden of feeding an increasing number of people as a cause of intensified cultivation. French 1956, 11.

more grazing land had to be put to the plow to supplement the inadequacy of original kleros lots. Over-cultivation of the Attic soil led to a fertility crisis where the land became so depleted in the absence of crop rotation and sophisticated manuring techniques that it reached the point where the addition of workers probably produced only enough extra product to feed the extra hands on the land and no more.[187] Such conditions exacerbated the neediness of small subsistence farmers causing them to have to borrow from the wealthier land owner, which, combined with aggressive aristocratic appropriation, contributed to the problems of hectemorage.

The trend in recent scholarship, however, is to reject the various theories of agricultural calamity to create yet another opposition within Solonian studies. Thus some scholars argue that population increases in pre-Solonian times did not exceed the productivity of the land.[188] Others argue that the yields of smaller parcels may have been increased by methods of intensified labor both on arable and less arable land as well as by advancement in such techniques as "cropping intensity, fallow arrangements, manuring, and animal husbandry."[189] Not surprisingly, then, scholars of this bent tend to see hectemorage as less of a problem of debt distress than a condition of social inferiority.

Economic expansion, in the view of others, however, created, not hectemorage, but a rising secondary class which began to compete with the inveterate elite for the privileges of both social and political power. This is the class which the pro-elitist lyric poets of the age derogatorily referred to as the kakoi.[190] Whatever the earlier views may have been, it is universal in the works of more modern scholarship that this was a landed class in Archaic Athens.[191] The

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See here also Snodgrass 1980, 19–25 for evidence of tremendous population increase in Attica beginning in the eighth century. But see Osborne, 74–81 for a contrary view.

[187] Woodhouse, 162.

[188] Foxhill, 123–127.

[189] Gallant, 115; see also Hanson, 175–176 who argues that the Greek georgoi applied sophisticated knowledge of climate and such techniques as pruning and grafting to become "not subsistence peasants but an independent keen-eyed yeomanry constantly intent to improve their small plots." Note also Starr 1977, 159, who indicates that better methods can make small farms more productive per hectare than larger ones.

[190] Cf. Starr 1977, 124.

[191] Cf. Forrest 1966, 149.

sub-tensions which develop within this view, however, concern the character of the competition with the elite. The question is whether the kakoi attempted to imitate the aristocratic lifestyle and to appropriate its privileges for themselves or whether they established a politically significant middling agrarian class devoted to country as opposed to city ways. In either case, in this kind of analysis the rising secondary class supplants the hectemoroi as the focus of the problem at the center of the Solonian crisis.

Laertes, as Odysseus finds him in the last book of the *Odyssey*, and Hesiod's diligent smallholder form the models for a view of the new middling farmer. Laertes is a small independent farmer of his own land, who practices intensive multi-culture techniques, raising not only subsistence crops, but also crops which will bring surplus profit. He owns a few domestic slaves who work directly by his side in the dirt, year round, to force the hard land to yield beyond its natural capacity through techniques of intensive cultivation.[192] Hesiod, too, depicts the farmer as a man of some substance who possesses capital for re-investment in his land and who can control the disposition of his own surplus in private trading ventures.[193] Those who agree that the rise of the middling farmer was a primary cause of strife in Solon's Athens also downplay the gravity of the problem of hectemorage but do not agree fully on how the rising class of farmers put pressure on social stability.

In one view, the competitive nature of the small farmer and the need for personal survival under hard conditions caused the kakoi to prey on each other. Thus it was the rising farmer's desire to thrive at the expense of less fortunate neighbors that caused hectemorage and general debt slavery, not the greed of large land owners.[194] At the same time, becoming more substantial themselves and desiring not to be relegated to an inferior position in the complex of social life, the kakoi began to imitate the lifestyle of the pure-born aristo-

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[192] See Hanson, 51 and chap. 2 *passim*. The model of Laertes is central to the whole of Hanson's argument that there arose in archaic Greece a middling class of independent farmer whose cohesive ethic, based on the intensive cultivation of private property, rivaled aristocratic dominance, pushing the polis in the direction radical democracy. But see contra Foxhall, 127, challenging Hanson based on field surveys suggesting that land was plentiful with respect to population increases in Attica in the Archaic period.

[193] See Starr 1977, 126–127, on Hesiod's farmer saying that "these are men who are not aristocrats but are of some standing."

[194] Ibid., 127–128.

crat. In this view the social friction arising from the aspirations of the up and coming kakoi, striking against the exclusionary elitism of the aristocratic order, was a primary cause of the crisis which led to the appointment of Solon as arbitrator.[195] This tension was on the whole social, and in this line of analysis there is no unified political effort among the kakoi for a share in governmental power.[196]

In the contrasting view, it was the development among the kakoi of a social code distinct from that of the aristocrat which caused friction within the social complex.[197] This social code reflected an austere independence and a solitary work ethic based on the primacy of the ownership of small private parcels and, in an extreme version of this view, the beginnings of the ideals of democratic egalitarianism based on the eradication of poverty and idle wealth.[198] The middling farmer had to work endlessly to provide not only sustenance but also surplus capital to ensure the continuation of his state of life. As opposed to the aristocratic landowner who did not work and the abject poor who could not raise capital, the kakoi attempted to carve out a place in the structures of government to protect their advances. In this view the hectemoroi represent nothing more than a small number of middling farmers who failed, and Solon's tele reforms represent a political advance for the middling farmer in the direction of a more broad based form of government.[199]

As opposed to conflicts involving the middling kakoi and the elite agathoi, other modern scholars attempt to illuminate the Solonian crisis by focusing on feuding among the families of the elite themselves. This mode of analysis is influenced by the connection, implied by both *AP* and Plutarch, between the Cylonian conspiracy and Solon's work. In this view the picture of Athens is one of a socially

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[195] Ibid., 128. Starr adduces comparative anthropological data of middling farmers in other societies where expanding economic activities provided increased opportunities for advancement.

[196] See ibid., 179–180, where Starr notes that the tyrants did not see themselves as "leading the kakoi in storming the seats of political power."

[197] Some scholars give Marxist overtones to this kind of friction among the classes, but since, in this view, the middling farmers are not a new bourgeoisie, more moderate scholars like Starr 1977, 171, warn against introducing *Klassenkampf* into early Greece.

[198] Hanson, 180.

[199] Ibid., 111–122. Hanson sees Solon's definition of tele based on wealth, specifically the zeugitai classification, as a political concession to the pressure of rising middling farmers, who, in his view, also comprised the majority of the hoplite soldiers.

complex network of political influence mediated through familial lines.[200] The competition among these powerful families could reach serious levels of intensity and violence, the attempted coup of Cylon and the related expulsion of the Alcmaeonidae being extreme cases.[201] Thus the argument is made that hectemorage was a less significant problem than was conflict among competing aristocratic families, conditions being turbulent enough for them to risk possible loss of certain privileges by accepting Solon as arbitrator.[202]

The oppositions in the field continue in the scholarly views concerning the relationship between Solon's reforms and the economic and social conditions of the times. The various opinions tend to be a function of the relation between an understanding of the primary reason for the crisis and Solon's tele classifications. Some scholars see Solon attempting as far as possible to maintain a status quo, while others see him as a progressive reformer responding to radical changes in the conditions of economic and social life.

The conservative views of the character of Solon's work range from deft but balanced compromise to barely effectual tinkering. For those who augment theories of debt-based hectemorage by hypotheses of agricultural depletion, Solon's acts were conservative measures intended to maintain relative social and political stability. With the need to balance import policies against measures to stimulate domestic production of grain, Solon struck a balance between the various local interests. To use the classifications of *AP* and Plutarch, the men of the fertile plane benefited from policies favoring domestic production, those of the coast, being traders, benefited from liberalized import policies, and the landless men of the hills, though they were the least affected by Solon's policies, benefited somewhat from policies stimulating domestic craft industries. In this view the seisachtheia removed excess labor from the depleted soil of aristocratic producers and added dispossessed hectemoroi to the landless party of the hills. On the whole Solon's aim was to preserve as much as possible of the status quo among these varying interests while doing what

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200 Sealey 1976, 97–98, is a major proponent of this view. See also Appendix II.

201 Ibid., 99 & 114; Hignett, 87. See also Osborne, 223: "Solon's world is a world of bitter conflict among the élite;" and Starr, 1977, 135: "In politics the efforts especially of the aristocrats proper to gain prominence and to hold state offices led to bitter factionalism which rent asunder many *poleis*."

202 Sealey 1976, 114; Ellis and Stanton, 96–97.

was necessary to ward off social disaster.[203] For those who see a rising class of middling farmer in competition with landed aristocracy, Solon's measures do not represent much more than a formal recognition of gains already won by the successful small farmer. So, for example, the tele reforms codified for the zeugitai the long-developing status of the landed hoplite farmer.[204] Finally for those who see factional feuding among the elite as central to the Solonian crisis, Solon's work did barely anything to change the fundamental predominance of the aristocratic class in archaic Athens. For them, all suggestions otherwise can be traced to fourth-century aggrandizement of the status of Solon as political reformer.[205]

The progressive views regard Solon's work as advancing the commercial development of Athens' economy. For those who see debt-based hectemorage as a way for the strong to take advantage of new commerce on the backs of the weak, the seisachtheia is a progressive measure intended to phase out obsolete institutions and to position Athens for growth in the more modern economical mode of her advanced trading partners.[206] Perhaps the most unique view is that of Miller who sees Solon as instituting an economic version of egalitarian democracy. She says that through Solon's reforms "the community as a whole gives up differentiation of contractual status and obtains contractual *isotes*: . . . it obtains an identifiable economy, distinct from whatever institutional systems it may employ in non-economic fields."[207] She regards the seisachtheia and related reforms as replacing, in one swift movement, old agrarian-based institutions with a new system of egalitarian contracts. The overarching principle of these progressive measures was the preservation of capital for re-investment in the modernization of the Athenian economy.[208]

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[203] French 1957, 241–244.

[204] Hanson, 121–124. The hoplite issue, is of course, a vexed question. For the argument that the political influence of the hoplite had a long and gradual evolution see Raaflaub 1997. For the argument that this influence is connected with the rise of the middling farmer see Hanson, chap. 6. Although relevant to the issues stemming from the Solonian problem, there seems to be only peripheral discussion of hoplites in the sources which say anything directly about Solon.

[205] Osborne, 224; Foxhall, 1997, 121.

[206] Woodhouse, 206. Woodhouse sees the work of Solon as putting things in Athens more on a "business footing" and says that Solon advanced "Athenian commercialism," and "free competition for genuine investment."

[207] Miller 1968, 69.

[208] Ibid.: "The economy as a whole gains an investment of something in the region of one-sixth of the national produce for the year."

For Miller the seisachtheia and the reforms touching weights, measures, and coinage, are identified in *AP* and Plutarch as a unified package. Their purpose was to abolish hectemorage as an institutional mechanism for the movement of wealth and to replace it with a new rubric for governing wealth exchange inside and outside of Athens.[209] Having abolished hectemorage by a cancellation of secured debt,[210] a mechanism similar to discharge under modern bankruptcy laws, Solon took the next step and instituted policies to foster reinvestment in the economy so as to provide new opportunities for economic intercourse free from old arrangements. To this end Miller sees the reform of the weights and measures as a device intended to break the pattern of poverty which formerly plagued the hectemoroi. By augmenting the measures Solon effected an increase in the amount of produce these small farmers might be able to keep after any required distributions and thus increased the material for reinvestment in their own enterprises.[211] Moreover, the abolition of hectemorage as a uniform institutional system of measuring the exchange of wealth removed discrimination in economic transactions based on political status.[212] Miller believes further that Solon established an Athenian currency by issuing the first native coinage.[213] He

[209] Miller relies on Plutarch *Sol.* 15.4 where Plutarch gives Androtion's view that the seisachtheia was a reduction in interest rates. Notwithstanding that Androtion may be wrong in the particular, he understands an intricate relationship between the seisachtheia and a particular economic policy. For Miller *AP* 10.1, 8 is of similar import where the reform of the weights and measures is described as following directly upon the cancellation of debts, again indicating for her an integral, unified strategy of reform.

[210] *AP* 2.2 states that all loans up to the time of Solon were secured by the physical person of the debtor. This statement has been interpreted to mean that Solon cancelled only such secured debt. See French 1956, 20 and also Woodhouse, 171. In this view the seisachtheia did not cancel all unpaid accounts but primarily the debts of the hectemoroi. *AP* 6.1, 24–25 reads χρεῶν . . . καὶ τῶν ἰδίων καὶ τῶν δημοσίων (debts public and private) and Plut.*Sol.* 15.4 reads τὰ ὑπάρχοντα τῶν χρεῶν (all existing debts). On this view, public debts refer to state imposts, e.g. taxes, which would be secured by the person of the debtor, and private debts refer to the sixth-part rent or interest of hectemorage. Plutarch *Sol.* 15.5 reads: πάντων τῶν συμβολαίων (all contracts), and is somewhat inconsistent with *Sol.* 15.4. Miller 1968, 67 reconciles 15.4 and 15.5 as Plutarch's confusion between a contract and a debt incurred under contractual obligation.

[211] Miller 1971, 31 and 35.

[212] See generally, Miller 1968, 69. One is reminded here of Hammond's view, discussed above, of discriminatory treatment between gennetai and orgeones in that the indebtedness of the former resulted in hectemorage while the indebtedness of the latter resulted in slavery.

[213] Miller 1971, 31 and 35. Miller interprets the reference in *AP* 6.1, 24–25 to

did so in such a way as to maximize the beneficial economic effect by discounting the costs of Athenian minting activities as compared to Aeginetan costs. The purpose of this action was to make the Athenian coinage more attractive to bullion sellers, who would bring their metal to Athenian facilities and thereafter place Athenian coins into circulation. Moreover, Solon's actions would encourage Athenians who may have been hoarding Aeginetan coins to take an interest in the new local currency. These effects would serve to establish Athenian coinage on a firm footing and leave Athens in control of her own monetary policy. Miller also believes that throughout all these changes Solon kept the mina weight of silver stable. In this way he achieved economic reform without concomitant deflation in the real worth of metal assets, and thus stayed true to the overarching principle of progressive reform, namely, the preservation of capital assets within Athens.[214] Miller's view should perhaps be linked with those who favor theories of economic revolution in Athens around the time of Solon.

The opinions of scholars, then, concerning hectemorage and the issues related to it form a web of variously opposing positions. Whether they stem from attempts to read the written historical record consistently or from the application of economic or social theories to the bare facts of the Solonian crisis, no decisive picture emerges. Figure 1 summarizes the predominant tensions which leave an impression of decided uncertainty about Solonian realities.

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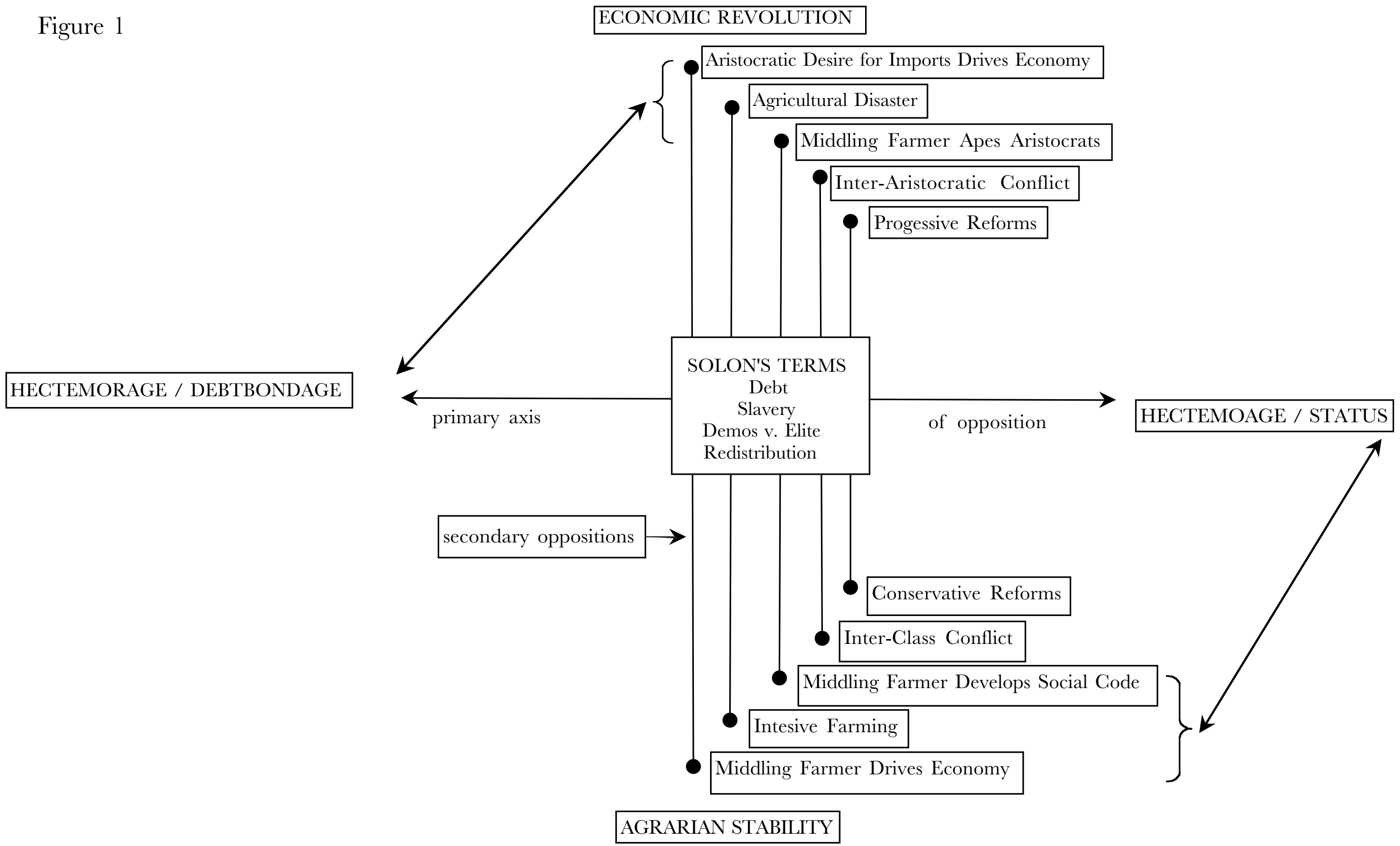
public debt as state taxes imposed on hectemoroi, from which Solon provided relief by augmenting the weights and measures thus allowing the hectemoroi to keep more produce even after paying the tax in kind.

[214] Miller argues: 1) From Androtion's report (Plut.*Sol.* 15.4) Solon's work is expressed in the ratio: 100 drachmai new issue coins : constant mina weight of silver :: constant mina weight of silver : pre-reform 70 drachma weight. 2) Androtion implies that the pricing of Solon's coinage was discounted. This is consistent with *AP* 10.2 speaking about an enlargement of the coinage, which can be taken to mean more coins struck from the same mina of bullion as compared to the standard of other poleis: i.e. the production price was discounted. 3) Thus the cheaper cost of Athenian coin, combined with the augmentation of the weights (meaning more coin per bullion) created an incentive for merchants to sell their bullion to Athenian mints. See Miller 1971, 26–27.

Figure 1


ECONOMIC REVOLUTION
Aristocratic Desire for Imports Drives Economy
Agricultural Disaster
Middling Farmer Apes Aristocrats
Inter-Aristocratic Conflict
Progessive Reforms
HECTEMORAGE / DEBTBONDAGE
primary axis
SOLON'S TERMS
Debt
Slavery
Demos v. Elite
Redistribution
of opposition
HECTEMOAGE / STATUS
secondary oppositions
Conservative Reforms
Inter-Class Conflict
Middling Farmer Develops Social Code
Intesive Farming
Middling Farmer Drives Economy
AGRARIAN STABILITY

Popular Citizenship

There is no evidence that the notion of citizenship was in Solon's day as decisive a legal category as it became after the reforms of Cleisthenes, or even so definite a philosophic idea as encountered in the discussions of Aristotle,[215] yet competition for a share in the privileges of the polis is identified in *AP*, in the *Politics*, and in Putarch as one of the major concerns of Solon's reforms. These sources treat this subject mainly as an issue of political participation, and thus, so framed, it has dominated the discussion of scholars under three headings: Solon's reform of the tele classification, the institution of the Council of 400, and the extension of the judicial power of the common people.

AP 7.3, *Politics* 1274a19–21, and Plutarch *Sol.* 18.1–2, each indicate that Solon divided the Athenians into four tele (τέλη). The divisions were made according to an assessment of agricultural production from the citizen's own estates[216] into 1) pentakosiomedimnoi (πεντακοσιομέδιμνοι), the name being coined to indicate the qualifying assessment of 500 medimnoi ('bushels') of agricultural produce, wet and dry together,[217] 2) hippeis (ἱππεῖς = horsemen), qualifying at 300 medimnoi, wet and dry, 3) zeugitai (ζευγῖται), qualifying at 200 medimnoi, wet and dry, and 4) thetes (θῆτες) containing all the rest of the Athenians.[218] *AP* says that the Athenians were also divided

[215] Sealey 1983, 98, says: "The words πολίτης and ἀστός do not occur in the extant fragments of Solon's laws . . . The distinctions which they indicate were not known to the law." Neither does the world πολίτης occur in the poems. Sealey 1983, 116, says further "that Athenian law learned to distinguish between *epitimoi* and *atimoi* long before it learned to distinguish between citizens and aliens."

[216] *AP* 7.3.

[217] *AP* does not say how wet and dry measures were to be combined. The dry measure was of grain, barely being the chief crop, wet measures were of olive oil and wine. A medimnos was roughly equivalent to .7 bushel. Rhodes 1993, 141, cites sources indicating that in Solon's time Attic soil could yield 5.5 medimnoi of grain per acre, 10 imperial gallons of oil, and 100–150 imperial gallons of wine. The issue of combining measures is relevant to the problem of farming diverse crops of grains, olive, and grapes from the same estate. Rhodes 1993, 141–142 reviews the opinions, but seems to favor the idea of a barley standard, where all produce, wet and dry, was translated into a barely equivalent for purposes of the tele assessment. For example, if a medimnos of barely is equivalent to .24 metretes of oil, then 300 medimnoi of barley and 100 metretai of oil would be equivalent to a total measure of 700.

[218] Both *Politics* 1274a21 and Plut.*Sol.* 18.2 have the word ἱππάς instead of ἱππεύς for the second telos. *Politics* also lists the first three classes in different order: petako-

into these divisions before Solon; however, in the *Politics* and "in Plutarch there is no suggestion that the classes already existed."[219] The sources are in agreement that the major offices of the government, including the nine archons, the treasurers, the sellers (who made state contracts and confiscated property), and the Eleven (who where jailers and executioners), were open only to the first three classes.[220] The sources also agree that "the only political activity open to the thetes was participation in sessions of the public assembly, including its judicial sessions."[221]

The tele assessment are important to issues of the breadth of the distribution of political power among the Athenians because they change the basis of participation from birth to wealth. Such an innovation would theoretically have broken the monopolistic stronghold of the eupatridai on political office and their control of the Areopagus Council as well, since membership consisted of ex-archons. The issue which has occupied scholars is whether these tele divisions and the related distribution of the political offices were actually new with Solon.

Critical to this issue is the text of *AP* 7.3, 22–23: "καθάπερ διῄρητο καὶ πρότερον" (as they had been divided before). Occurring as it does after the introduction of the tele classification, it suggests that they existed prior to Solon's reforms. Scholars who hold that Solon created the divisions for the first time variously condemn the text or interpret it to mean that similar divisions prior to Solon were only of social but not political significance. Rhodes indicates that the basis of condemnation is the view that the text is an insertion made with the Draconian constitution of *AP* chapter 4, a view which he himself rejects because other passages more obviously inconsistent with the constitution have been left unaltered.[222] Hignett, who himself

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siomedimnoi, zeugitai, and then the hippeis, noting that these classes consisted of the notables and the wealthy (γνώριμοι, εὔποροι).

[219] Rhodes 1993, 137.

[220] Rhodes 1993, 139. *AP* 8.1, however, adds a qualification: the treasurers are only to be taken from the pentakosiomedimnoi. Hignett cites the argument of Demetrios of Phaleron that the archonships were also only open to the pentakosiomedimnoi: *AP* 8.1 limits the office of treasurer to the highest class, but *AP* 7.3 lists the office of the archons before the office of the treasurer; thus the archons also must be limited to the first class. Sealey 1976, 116 speculates that the archonships were only open to the top two classes, with the lesser offices open to the zeugitai.

[221] Sealey 1976, 116.

[222] Rhodes 1993, 137. Many scholars believe that *AP* 4, the so-called Constitution

condemns the text, also believes that the last three classifications, at any rate, had a prior social significance.[223] Sealey notes that *AP's* statement cannot be based on any source older than the Atthidographers and is likely an inference from no better evidence than the suggestions of the names of the classes themselves.[224] If these classifications existed before Solon the possibilities of meaning range from traditional but vague identifications to more precise economic or military, but not political classifications.[225] Thus some scholars interpret the term hippeis to refer to aristocrats who possessed sufficient resources to own and maintain horses or to those who comprised the cavalry division of the citizen army. *AP* itself in 7.4 indicates the relationship between horse ownership and the Hippeis class. Likewise these scholars interpret zeugitai to refer either to those who owned a yoked pair of oxen or to those who were yoked together in the hoplite phalanx. Thetes possibly referred to hired laborers who were of neither economic nor military significance.[226]

An argument in support of a new significance for the classifications can be drawn from the name pentakosiomedimnoi since it lacks an obvious social referent. Some argue that it was added by Solon to divide off the richest portion of the hippeis into a separate class.[227] However, those who do not believe that Solon created the classifications suggest that pentakosiomedimnoi is merely a new name for the most wealthy eupatridai. In support of this one scholar has argued that a chest found in a ninth-century grave with five granaries adorning its lid depicted the owner's status as a pentakosiomedimnos.[228]

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of Draco, is a spurious insertion to the original text. See ibid., 85–86. In line with this view, certain passages which seem otherwise awkward in their contexts are often explained as insertions which were added by the same hand that added the spurious chap. 4. One such insertion, for example, may be the words τῆς πρὸ Δράκοντος in 3.1. See Rhodes 1993, 97.

[223] Hignett, 100.

[224] Sealey 1976, 120.

[225] See Manville, 145: "Each of these groupings or *telē* had been formerly vague and traditional categories in society but were now more sharply defined," and 145 n. 54: "Solon took preexisting names and invested them with new significance."

[226] See Rhodes 1993, 137–138 and the scholars cited there. For thetes as hired laborers see Sealey 1976, 119, although he acknowledges that the meaning of the word is far from clear.

[227] Rhodes 1993, 137.

[228] See ibid. and 137 n. 2 and the scholars cited there.

Since the argument is made that, if the tele classifications were instituted by Solon, wealth replaced birth as a political qualification, notice must be taken of Sealey's position that wealth, not birth, had long been significant in Archaic Athens. Sealey has argued that the eupatridai did not survive the synoicism or unification of Athens. If he is right then it is possible to believe that wealth was not wholly subordinate to nobility as a political qualification in pre-Solonian times, and thus the political significance of Solon's own tele classifications must be seen as less revolutionary and more technical, being perhaps nothing more than a formalization in writing of a system already in effect.[229]

In light of such a possibility Foxhall's position that the thetes were comparatively wealthy becomes most interesting. She argues that all of Solon's tele classifications referred to landed men, including the thetes who could have owned anything from a garden patch to acreage just under the 200 bushel rating and that all persons within even the lowest classifications would have been relatively rich compared to the majority of landless Athenians. Such a view also diminishes the radical nature of Solon's reform, making the participants in the government still a significantly narrow elite, with the landless not even permitted to participate in the mere voting and judicial functions of the ecclesia.[230]

At any rate, on the view that the tele classifications were new with Solon, the beneficiaries of the reforms were primarily the men with larger land holdings who were excluded from a share in the government because they were not eupatridai. Thus in Hignett's view the primary purpose of the reforms was to provide a rational, relatively simple, and enforceable mechanism for the constitutional redistribution of political participation on principle of wealth.[231] More specifically, even if still speculative, the beneficiaries of the reforms could have been 1) the increasingly successful middling farmers discussed above, 2) eupatridai who were somehow excluded from the current ruling clique, again reflecting the previous discussion of inter-aristocratic rivalries, and 3) possibly also landed men and eupatridai

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[229] See Sealey 1976, 117–119.

[230] See Foxhall, 129–132. She raises the interesting possibility that her landed thetes are to be identified as the demos in Solon's poems.

[231] Hignet, 101.

from more remote districts (e.g. Brauron, Peisistratus's home) who may have been unwelcome in the central government.[232]

There is also a question whether Solon actually first granted to the thetes membership in the assembly. None of the sources imply that the practice existed before Solon.[233] Therefore many scholars accept this participation as an innovation of Solon's reforms.[234] Others, however, express some doubt. The doubt arises from a conservative reluctance to attribute revolutionary character to Solon's reforms. Thus Hignett suggests that the innovation was attributed to Solon by inference from a de facto participation by the thetes in the assemblies at the troubled times during the rise of Peisistratus, a practice which the magistrates either could not or refused to control.[235] Rhodes, on the other hand, sees pre-Solonian practices as unregulated and not subject to the routine of orderly rule so that there would be no strict prohibition against the attendance of thetes. He posits rather the model of Thersitis (Hom. *Il.* 2.84 ff) who, despite his intervention, was not expected, as a member of the masses, to be an active participant in the council of the tribes but merely to vote.[236] For Rhodes, the real question of an advancement of the power of the assembly lay in the creation of a probouleutic body, outside the

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[232] Ibid., 102–105.

[233] *AP* 7.3, 28 states: "τοῖς δὲ τὸ θητικὸν τελοῦσιν ἐκκλησίας καὶ δικαστηρίων μετέδωκε μόνον." ("To those registered in the labourers' class he gave only membership of the assembly and jury-courts" [Rhodes 1984, 48].) Plutarch *Sol.* 18.2 states: "οἱ δὲ λοιποὶ πάντες ἐκαλοῦντο θῆτες, οἷς οὐδεμίαν ἄρχειν ἔδωκεν ἀρχήν, ἀλλὰ τῷ συνεκκλησιάζειν καὶ δικάζειν μόνον μετεῖχον τῆς πολιτείας." ("All the rest were called Thetes; they were not allowed to hold any office, but took part in the administration only as members of the assembly and as jurors" [Perrin, 451].) Arist.*Pol.* 1274a16–22 states: "ἐπεὶ Σόλων γε ἔοικε τὴν ἀναγκαιοτάτην ἀποδιδόναι τῷ δήμῳ δύναμιν, τὸ τὰς ἀρχὰς αἱρεῖσθαι καὶ εὐθύνειν . . . τὸ δὲ τέταρτον θητικόν, οἷς οὐδεμιᾶς ἀρχῆς μετῆν." ("Inasmuch as Solon for his part appears to bestow only the minimum of power upon the people, the function of electing the magistrates and of calling them to account . . . The fourth class, the Thetes, were admitted to no office" [Rackham, 167].) Arist.*Pol.* 1281b31–34 is to the same effect. About the passages from the *Politics* Rhodes 1993, 140 says: "It is implied rather than clearly stated . . . that previously the thetes were excluded from the assembly."

[234] Hignett, 98: "In the Atthis he (Solon) is credited with the admission of the Thetes to the ekklesia and to the popular court(s), and this evidence has usually been accepted as decisive."

[235] Ibid.

[236] Rhodes 1993, 141. See also Forrest, 170–171, who suggests that Solon did not create new membership or new functions for the assembly but subjected past practices to the formality of rule, thus increasing the assembly's competence and influence.

influence of the ruling elite, so as to give the assembly a real political function.[237] This leads to an issue of primary importance with reference to the problem of popular citizenship, namely, the Council of 400.

According to Hignett the existence of a true probouleutic council implies the regular meeting of the popular assembly as well as an independent governmental significance for its actions. Thus the establishment of the Council of 400 would show decisively that Solon intended by his reforms to advance and foster the sovereignty of the people. *AP* 8.4 contains only a mention of the name of the council and that it was comprised of one hundred members from each of the four tribes. Plutarch, *Sol.* 19.1–2, adds, somewhat contrary to the philosophy implied in Hignett's point, that the function of the council was to control the newly debt-free, and therefore, overconfident demos.[238]

Hignett's view is that no such council was created by Solon. He traces the origin of the attribution to the propagandist controversy at the end of the fifth century. The notion was promulgated first by the oligarchs who wanted a precedent for their own council of 400 where an attribution to Solon and/or Draco would have been expedient. (Hence reference to a council of 401 is also found in the so-called constitution of Draco in *AP* 4.) Then the notion was taken over by the radicals who saw it as an anticipation of Cleisthenes' council of 500. Thereafter the idea that Solon was the innovator of a probouleutic council made its way into the Atthidographers, but they had no more to report than the mere mention of it. Even later speculations found their way into Plutarch who referred to the new council of 400 along with the Aeropagus Council as two anchors of the ship of state, leading some to think that he was quoting one of Solon's own poems.[239] Hignett notes, however, that if Plutarch had knowledge of such a poem, he would surely have quoted the original.[240] In the conservatives' view, the most conclusive argument that no such council existed is the sheer absurdity of the suggestion that so prescient a democratic experiment could have been possible in a

[237] Rhodes 1993, 141.
[238] Cf. ibid., 154. Rhodes suggests that thetes were excluded from the Council's composition.
[239] Freeman, 79 n. 1.
[240] Hignett, 93.

society hardly yet emerging from aristocratic dominance.[241] Given that the evidence is inconclusive, "the easiest hypothesis," according to Sealey, "is that that Council was invented in the age of the Atthidographers."[242]

Others are less skeptical. They note that those who reject the Council of 400 because of its early date do so merely on a priori grounds.[243] Rhodes does not think that it would have been useful for the fifth-century politicians to invent such a council if one had not in fact existed. He also argues that the council was a necessary part of Solon's intentions to break eupatridai domination of the government, which, by weight of past membership, would control the Aeropagus Council for years despite Solon's tele reforms. Moreover, proponents of Solon's prescience point to a similar probouleutic council on Chios dated circa 570 as argument that such an innovation was not impossible in the sixth-century.[244]

If for some the Council of 400 was a decisive step in the direction of popular citizenship, for *AP* an even greater step was the extension of the judicial power of the common people. In *AP* 9.1 it is said that, along with the cancellation of debts, the measures which most augmented popular participation in the governmental functions of the polis were 1) the creation of a procedure for any Athenian to bring an action for the redress of a wrongs committed against others (hereafter referred to as the 'procedure for a derivative action') and 2) the procedure for appeal from magisterial judgments to the ecclesia sitting as a jury-court.

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[241] See generally Hignett, 93–95.

[242] Sealey 1976, 121.

[243] Forrest, 166.

[244] The Constitution of Chios is the four-sided stele inscription found in Tholopotami at the beginning of this century and first published by Jacobsthal and Wilamowitz in 1909. (See Jeffrey 1956, 157; see also, Hignett, 95.) L.H. Jeffrey, who is responsible for the modern publication of the inscription, dates the stele stone, on epigraphic criteria, to between 570 and 550. Prior to this lower dating, the inscription was dated closer to 600. The inscription makes possible reference to a probouleutic council of 400 and to a popular court with an appellate jurisdiction. The content of the inscription is not beyond controversy, but it has been read by some to provide for appeals from the judgments of magistrates to a popular council which sits along with an aristocratic council, being, therefore, something like Solon's council of 400. Others read it simply as providing for appeals to a popular court, i.e. to the assembly sitting as a jury. Hignett, 95, objected with claims of Ionion precocity to those who present the inscription as evidence for similar advancement in Solon's Athens.

Each of the nine archonships possessed a jurisdictional competence in various kinds of private matters where the archon was empowered to render judgment and did not simply preside over trial to a jury of citizens as in Classical times.[245] Certain special civil matters were within the jurisdiction of the Areopagus Council sitting as a court; the most notable of these was homicide, which in the Archaic Age was decisively a private matter between families. Furthermore, the Council had jurisdiction over certain public matters such as those pertaining to the functions of the official religion and over persons whom *AP* 8.4, describes as οἱ ἐπὶ καταλύσει τοῦ δήμου συνιστάμενοι (literally, those who conspire against the demos), through a procedure called εἰσαγγελία (impeachment) said to be established as a law by Solon.

The νόμος εἰσαγγελτικός (impeachment law) in the fifth century was a technical procedure providing the opportunity for any citizen to bring a legal action before the Council or the Assembly against anyone whose activities threatened to destroy the democracy. The injury to which this law pertained was variously expressed as κατάλυσις τῆς δημοκρατίας or τοῦ δήμου (destruction of the democracy or the demos), sometimes referencing the particular, people, instead of the abstract, democracy.[246] Thus the formula in *AP* 8.4, pertaining to one of the judicial powers of the Aereopagus Council, is anachronistic and has been explained as referring to a Solonian law against the establishment of a tyranny.[247] In this view Solon's reform is not particularly interesting with respect to the advancement of popular citizenship but simply reflective of the general Greek disdain of the unconstitutional usurpation of power through tyranny.

A more aggressive view, however, has been presented by Ostwald who argues that Solon's procedure for derivative actions is in effect a grant of judicial power to the people.[248] He takes the phrase κατάλυσις τοῦ δήμου (destruction of the people) in *AP* 8.4 to refer to crimes against the state. He takes the related procedure of εἰσαγγελία

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[245] Ostwald 1986, 6.

[246] Ibid., 8 with 10 ns. 27 and 28.

[247] Rhodes 1993, 151.

[248] Ostwald's view owes much, as he himself states, to the seminal discussion by E. Ruschenbusch, *Untersuchungen zur Geschichte des athenischen Strafrechts*, vol. 4, Graezistische Abhandlungen (Cologne, 1968). For a view contrary to the opinions expressed in Ruschenbuch see Hansen 1975.

(impeachment) to be some form of procedure instituted by Solon for presenting such actions to the Aeropagus Council and not an anachronistic reference to the well-known procedure of the fifth century also called εἰσαγγελία.[249] It is probable that the Aereopagus Council had jurisdiction over public actions of this sort before Solon, since Cylon seems to have been subject to their jurisdiction. What Ostwald adds, however, is the view that Solon's procedure for a derivative action applied not only to private wrongs but also to crimes against the state, i.e. to cases where the injury was to the "community as a whole."[250] In this view, the impeachment procedure for crimes against the state is a significant grant of power to the people because it provides access to the judicial power of the state on criterion that are not in any sense limited by birth or wealth.

A Solonian provision for appeals to a popular court is in the same vein. A judicial procedure is described in *AP* 9.1, 27 as ἡ εἰς τὸ δικαστήριον ἔφεσις ("the right of appeal to the jury court" [Rhodes 1984, 50].)[251] Again, this appears to be an anachronistic description, since the term δικαστήριον more fittingly refers to the various fourth-century citizens' courts of the full democracy. Nevertheless the text is almost universally interpreted to mean that Solon established a popular court by defining certain actions which were to be brought before the ecclesia sitting as a court of the people or a *Volksgericht*, as Ruschenbusch phrases it.[252] The name for such a *Volksgericht* in Solon's time would have been ἡλιαία (heliaia).[253]

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[249] Ostwald 1986, 9.

[250] Ibid., Ostwald notes that scholars are divided on what kinds of actions could be brought under the procedure for derivative actions in general so that they are also divided concerning the applicability of the procedure to such crimes against the state.

[251] The parallel references in Plutarch *Sol.* 18.2 ("εἰς τὸ δικαστήριον ἐφέσεις") and Arist.*Pol.* 1274a3 ("τὸν δὲ δῆμον καταστῆσαι τὰ δικαστήρια ποιήσας ἐκ πάντων") are to the same effect.

[252] Ruschenbusch 1965, 381. For the majority view that Solon established the ecclesia as a popular court see Rhodes, 1993, 160, Ostwald 1986, 9–10, Hignett, 97. For a contrary view that Solon actually established several δικαστήρια see Hansen 1975.

[253] The inference derives from Lysias 10.16 and Demosthenes, 24.105, where the authors are discussing the retention of archaic language in legal writing and mention the name ἡλιαία as a juridical body. The word is used similarly prior to the time of Solon in other Greek dialects, e.g. it occurs in certain Peloponnesian inscriptions (Hignett, 97). Therefore it is thought that Solon would have used the word to refer to such a popular court. For a smooth breathing, ἠλιαία, as the proper

There is room for discussion as to the jurisdiction of the heliaia. By the word ἔφεσις *AP* seems to imply a kind of appellate jurisdiction. A minimal view is that the jurisdiction of the heliaia was limited to the review of requests by magistrates to impose penalties in their own courts which were beyond the limitations fixed by law.[254] Ruschenbusch proposes that ἔφεσις refers to the removal (Überweisung) of a case from the magistrates to the heliaia for a trial de novo and that removal was mandatory for certain cases.[255] Others have suggested that the magistrates sitting as judges were required in all cases, or at least in contested cases, to sit with the heliaia as jury and that the heliaia even had independent jurisdiction to impose additional penalties if it confirmed the magistrates decision.[256]

Thus the tele reforms, the issues surrounding the authenticity of the Council of 400, and the institution of a popular court all describe various modes of participation in the governmental functions of the polis which are extended in wider circles away from the highest elite to the more peripheral elements of the Athenian people. Although the opposition of opinions concerning the impact of these reforms is not as varied as the multiple oppositions seen in connection with the social and economic factors of Solon's work, still there is a marked tension in the scholarly view. On the one hand, Solon preserved the ways and traditions of the close aristocratic oligarchy, while making only minimal concessions to stave off stasis. On the other hand, he was as progressive as one could possibly be in sixth-century Athens by broadening the base of participation in the government, in particular, by augmenting popular participation in the judicial power of the polis.

spelling of the word see Rhodes, 1993, 160 and note the 1996 Supplement to LSJ, s.v. ἡλιαία, which adds the possibility of the smooth breathing.

[254] Hignett, 97. This was Wilamowitz's view which Hignett follows. It implies that Solon's laws regulated the jurisdictional competence of the magistrates and set a limit on penalties.

[255] Ruschenbusch, 1965, 381, 382, and 384.

[256] Rhodes, 1993, 161 citing the views of Adcock, Ruschenbusch, and Bonner & Smith, respectively.

Summation

Such, then, is the historical speculation of scholars on the life and work of Solon since the time of Woodhouse. It is a record of conjecture on sparse original evidence and variously imperfect ancient authorities. Solon's own poems, and to a lesser degree his legislation, presented a record to ancient scholars, and the fragments of the same present an incomplete version of the same record to modern scholars. On the whole both the ancients and the moderns approached this record in much the same way. *AP* had access to a tradition about Solon which was not derived in any fundamental sense from the poetry. This same basic tradition was transmitted also by Plutarch. Thus these ancient authorities engaged in the same mode of speculation as do modern scholars, namely, the attempt to create a coherent picture of the life and work of Solon, bringing premise, theory, and argument to the poetry when it seems able to confirm the coherency. The starting points of *AP* and Plutarch were ideas like conflict between the rich and the poor and notions about the structure of oligarchic nobility. The starting points of modern scholars sometimes are conservatively derived from the tradition of *AP* itself, e.g., the inalienability of land. Sometimes they are independent of this tradition, e.g., theories of economic revolution or the rise of middling farmers. Sometimes they are derived directly from an independent view of Solon's fragments, e.g., the notion of hectemorage as a problem of the leasing of public land. The ancient picture of Solon leaves open many questions, and the modern picture is primarily a record of opposition in scholarly opinion. In each case caution must be the prevailing attitude in attempting to articulate what we do and do not know about Solon. To this extent a secure and demonstrable understanding of his life and work has been illusive.

Solon's poetry also remains in a curious way at the margins of this historical speculation. The poems themselves have not provided answers to the kinds of questions which the historians asked, not for the ancient historian who possessed the entire corpus, even less for the modern historian. At most, historians, ancient and modern, have appealed to selected verses to support theories already formed from other sources or derived from other mechanisms of speculation. Their intentions, on the whole, were to show that the poems did not contradict the theories. It was not part of their enterprise to illuminate the thinking embodied in any given poem as a whole. Thus one

finds no substantial discussion of Solon's understanding of political justice in the historical speculations even though Solon's work involved political reform. This is indeed strange when the notion of δίκη (dike) and related ideas are not an infrequent subjects of his poetry. It has been the literary critics rather than the historians who have shown an interest in examining the internal meaning of the longer poems, especially the political poems which touch the subject of dike. The literary analysis of Solon's poetry is the subject of the next chapter.

CHAPTER TWO

LITERARY CRITICISM OF SOLON'S POLITICAL POEMS AFTER JAEGER

Preliminaries

Just as there is a tradition of modern historical scholarship on the life and work of Solon, so also is there a tradition of a more strictly literary scholarship on his poetry. The concerns of each are understandably distinct. The historical scholarship, as we have seen, attempts to construct a coherent picture of the political work. The political poetry, however, is not about a different subject, but represents the affective perception of the same political reality mediated by the special sensibilities and insights of a political man who was also a poet. Accordingly, the literary scholarship attempts to illuminate Solon's personal poetic perceptions. Because of the more illusive nature of poetry itself, the literary treatment is perhaps even more diverse and multifaceted than the historical scholarship. The goal of this chapter, however, is not to provide an exhaustive review of the scholarship, but rather an exemplary one. The critics examined, beginning with Werner Jaeger and his seminal article "Solons Eunomie," each consider the significance of Solon's understanding of δίκη (dike) in one or more of his political poems. One intent of the following discussion is to show that literary criticism of Solon proceeds independently of the historical scholarship. Just as the historians did not look to the poems in a substantial way to construct their theories, the literary critics do not utilize the historical scholarship to any significant degree to form an interpretative framework for their analyses of the poems. A second intent of the discussion is to suggest that a literary criticism based solely on the poems themselves can only reveal a partial picture of Solon's understanding of such a central political idea as dike. Sharpening the second horn of the dilemma, this chapter will emphasize the desirability for a new approach to the substantive interpretation of Solon's poetry.

The critics being examined have turned their attention to Solon's political poems, the centerpieces being fragment 4 (ἡμετέρη δὲ πόλις),

which could be entitled "Elegy on the Polis," and fragment 36 (ἐγὼ δὲ τῶν), which most explicitly deals with Solon's political reforms. A principle theme of these poems, as of all the political poems, is justice or δίκη, and its relation to the state of affairs in a turbulent Athens. Justice, however, is a universal reality of all human activities, and therefore even literary scholars who are primarily interested in Solon's political poetic have had to treat Solon's great poem concerning the moral life of man, fragment 13 (Μνημοσύνης καὶ Ζηνός), the "Elegy to the Muses," so called from the opening hymn to the Muses of Pieria.[1] Accordingly, the critiques chosen for review address mainly these poems. The discussion which follows is not itself a piece of literary criticism but rather an examination of exemplars of criticism with a view to the relation between two aspects of the intellectual effort to understand Solon, the literary and the historical.

Section 1: *Werner Jaeger on the "Elegy on the Polis:" A Natural Law of Justice*

It is useful to begin this examination with Jaeger and his now famous analysis of the "Elegy on the Polis," "Solons Eunomie" for several reasons.[2] When this piece was first delivered over sixty years ago as a lecture in Berlin, it drew the immediate criticism of Wilamowitz and has been controversial ever since. The disagreement between Jaeger and his great teacher reflects, in part, different approaches to the poetry of Solon. Wilamowitz still looked at the fragments primarily as historical documents written by a major agent of the central political events of his day.[3] As a result Wilamowitz's analyses of Solon's poetry remained more historical than literary. Jaeger, however, approached the poems as a record of the spiritual impressions of a life of politics upon the heightened sensibilities of a poetic soul. Jaeger focused on the imagery of dike in the "Elegy on the Polis" and claimed that Solon's perception of the nature of justice in political society was a breakthrough in Greek thought. He expressed this

[1] For the invented names "Elegy on the Polis" and "Elegy to the Muses," see Manuwald, 1 n. 1 and *passim*, for the similar German usage of "Staatselegie" and "Musenelegie."

[2] Jaeger, 1966.

[3] Jaeger, 1965, 136 and 449 n. 2. See, e.g. Wilamowitz 1985, vol. 2, 308–315, discussing the relation of the "Elegy on the Polis" to the events of Solon's life.

point by attempting to show how Solon's poetic perception of justice was akin to the rational advances of thinkers like Anaximander and how it was accordingly distinct from the perception of his most relevant predecessor, Hesiod, who also spoke of dike within the context of the polis. Thus Jaeger is a venerable link in the tradition of a purer literary criticism of Solon's poetry, and his piece "Solons Eunomie" is still very much in the mind of current critics of the political poems.

The beginning of the "Elegy on the Polis" contrasts gods and men, and from this opposition Jaeger develops one of his major interpretative themes, the relation between human responsibility and justice in the polis:

> ἡμετέρη δὲ πόλις κατὰ μὲν Διὸς οὔποτ' ὀλεῖται
> αἶσαν καὶ μακάρων θεῶν φρένας ἀθανάτων
> . . .
> αὐτοὶ δὲ φθείρειν μεγάλην πόλιν ἀφραδίῃσιν
> ἀστοὶ βούλονται χρήμασι πειθόμενοι,
> δήμου θ' ἡγεμόνων ἄδικος νόος, οἷσιν ἑτοῖμον
> ὕβριος ἐκ μεγάλης ἄλγεα πολλὰ παθεῖν·

> The ruin of our state will never come by the doom of Zeus or through the will of the blessed and immortal gods . . . It is the townsfolk themselves and their false-hearted leaders who would fain destroy our great city through wantonness and love of money. (But they are destined to suffer sorely for their outrageous behavior.)[4]

Jaeger begins to build his interpretation with the very first words. The political and spiritual world within which the poem moves is indicated directly by the opening, ἡμετέρη δὲ πόλις, our city. The audience is identified as the community of the citizens of Athens, within which the poet himself is included. Thus Solon is about to address his own fellow citizens concerning a matter of dire importance. A mood of gravity is created by the accumulation of dark words within the first several lines: ruin (ὀλεῖται, v. 1), destruction (φθείρειν, v. 5), folly (ἀφραδίῃσιν, v. 5), and injustice (ἄδικος, v. 7). To Solon it is essential that the citizens of his beloved city heed his warning with the utmost seriousness. Thus Solon in his capacity here as the voice of the elegy places himself squarely within the tradition of archaic Greek poetry which views the poet as the wise teacher and counselor of his audience.

[4] Sol. 4.1–2 and 5–8; Linforth, 140.

One of the great lessons which Solon will attempt to teach the Athenians in the following lines is the fundamental necessity for citizens to accept personal responsibility to guard and to promote the good order of their political community. The development of this theme begins in the elegy with the opposition between the "doom of Zeus" (Διὸς αἶσα, v. 1) and the citizens' own personal behavior ("αὐτοί, sc. οἱ ἄνθρωποι, v. 5). For Jaeger the juxtaposition of Διὸς αἶσα and οἱ ἄνθρωποι, gods and men, is a clear and direct parallel to the famous speech of Zeus at the opening of the *Odyssey*. This speech, therefore, informs, from the very beginning, one of the main themes of the "Elegy on the Polis."

Zeus's discourse is well known. He complains to the assembled immortals how wrong humanity is to blame the gods for all the misfortunes which are visited upon men. It is the fate, to be sure, of human persons to experience some unavoidable misfortune. What seems to have escaped their notice, however, is that that they, because of their own folly (σφῇσιν ἀτασθαλίῃσιν *Od.* 1.34), bring much misery upon themselves which is beyond their allotted fate. For this misery man is wholly responsible, especially when, as in the case of Aegisthus, the gods provide him with foreknowledge of the doomed course of action. Thus Hermes was sent to Aegisthus to warn him not to consort with Clytemnestra and not to slay Agamemenon. To emphasize the point poetically, the *Odyssey* exploits the antithesis between mortals and gods in the sphere of responsibility for human actions (οἱ βροτοί—ἡμεῖς [= οἱ θεοί], *Od.* 1.32–33). The "Elegy on the Polis" takes up this theme of Zeus's speech by exploiting the same opposition between men and gods (αὐτοί [= οἱ ᾿Αθηναῖοι]—οἱ θεοί, Sol. 4.2, 5). In the *Odyssey* culpable human action like Aegisthus's murder of Agamemnon is called atasthalie (ἀτασθαλίη). To emphasize further that he intends a similar theme, Solon designates the culpable actions of his Athenian audience by the synonymous noun aphradie (ἀφραδίη, Sol. 4.5). These parallels and the use of similar terminology place it beyond doubt that the content of the "Elegy on the Polis" should be read in light of the *Odyssey's* distinction between avoidable and unavoidable misery, the latter brought about by the culpable behavior of men acting on their own volition and under their own power.[5]

[5] Jaeger 1966, 84.

A central point of Zeus's discourse, one which, according to Jaeger, shows the new currents of Ionian rationalism, is that knowledge is a condition of culpability in the sphere of moral action. For this reason, when Zeus sent Hermes to warn Aegisthus, Aegisthus became an agent of his own destiny. Foreknowledge leads to personal culpability for bad actions, and in the epic motif of Zeus's speech, one function of the divine order, stemming from the gods' sympathy for men, is to provide just such a foreknowledge. Solon incorporates this epic theme into the "Elegy on the Polis" only to transform it by making the statesman the herald of foreknowledge for the citizens of the polis.[6]

In advancing this point, Jaeger observes that the sixth-century polis is no longer the world of the *Odyssey* where gods and humans interact directly. No Hermes will tell the Athenian citizens that their wanton and outrageous behavior will cause social disaster. This now must become the function of the statesman who in Solon's elegy is the new Hermes for the world of the polis. It is Solon himself who will teach the Athenians about the relation between proper civic conduct and justice in the city. Through Solon's instruction the Athenians will possess the foreknowledge necessary to guide their conduct. Through his warnings they will know when they are headed toward the misery of disorder. In this way Solon will also fulfill the duty toward the city which his own knowledge creates, even if one consequence of his instructions and admonitions may ultimately be the condemnation of the citizens themselves. This vision of the statesman as the new Hermes fixes the poetic plan and purpose of the elegy. Transforming the statesman into the messenger for the citizens indicates that the knowledge proper to political action comes not from divine omniscience but from human cognition, from the statesman's own superior knowledge and experience of the political and social order of the polis. Thus for Jaeger the climax of the elegy is the urgent and earnest declaration of Solon to his fellow citizens:

> ταῦτα διδάξαι θυμὸς Ἀθηναίους με κελεύει,
> ὡς κακὰ πλεῖστα πόλει Δυσνομίη παρέχει·

> These things my heart prompteth me to teach the Athenians, and to make them understand that lawlessness worketh more harm to the state than any other cause.[7]

[6] Ibid., 88.
[7] Sol. 4.30–31; Linforth, 142.

Dysnomia (Δυσνομίη) is the result of the citizens' own unjust conduct. This is the substance of Solon's warning, and the message renders the citizens responsible for their conduct. What Solon conveys to his fellow Athenians arises from his own knowledge of the realities of the civic order which he gains from the experience of his own statesmanship. This is why what he has is his to teach (διδάξαι). Here warnings and foreknowledge come together in the statesman's intimate understanding of the laws of political society. Solon realizes that his duty to instruct and to warn his fellow Athenians may lead to their condemnation, but he remains committed to this duty. He indicates the depth of his resolve when he shows his own heart (θυμός) urging him to teach (διδάξαι) the Athenian people that they are living contrary to the norms of dike and thus on the edge of disaster.[8] In the two-sided motif of the *Odyssey*, divine innocence and human responsibility, Zeus's primary interest was to exonerate the gods. Only a reminiscence of this part of the motif remains in the "Elegy on the Polis," left behind in the opening verses where the poet first invoked the *Odyssey*. By the time Solon announces himself as the new herald of foreknowledge for the citizens, he is consumed only with making the Athenians aware that they will bear full responsibility for the destruction of their city.[9]

In instructing his fellow citizens and in attempting to communicate to them his own sure knowledge of the consequence of injustice, Solon emphasizes both the negative and the positive aspects of human responsibility. Negatively, he describes the nature of their injustice in an intensity of religious imagery: "οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα" ("They do not honor the revered foundations of Dike").[10] He particularizes what will be the inevitable results of such behavior in verses 18–29 which contain a litany of specific evils of the sort which comprise political disorder like slavery (δουλοσύνη, v. 18) and faction (στάσις, v. 19). He summarizes the negative consequences of unjust behavior with the generalizing κακά, evils (v. 23). He personifies Dysnomia as the negative symbol of these evils just as immediately thereafter in the elegy he personifies Eunomia as the symbol of the positive aspect of his message.[11]

[8] Jaeger 1966, 87–88.

[9] Ibid., 88.

[10] Sol. 4.14; Jaeger 1966, 89.

[11] Jaeger 1966, 94. Of the immediacy of the juxtaposition of Δυσνομίη and Εὐνομίη Jaeger says: "The sudden change has an archaic austerity that is extremely effective."

The famous hymn to Eunomia, the defining element of the entire elegy,[12] is intended to demonstrate to the Athenians the quality of civic life which is possible when the foundations of Dike are honored. Thus, rather than a litany of evil, there is a litany of the goods which the sister of Dike brings:

> Εὐνομίη δ' εὔκοσμα καὶ ἄρτια πάντ' ἀποφαίνει,
> καὶ θαμὰ τοῖς ἀδίκοις ἀμφιτίθησι πέδας·
> τραχέα λειαίνει, παύει κόρον, ὕβριν ἀμαυροῖ,
> αὐαίνει δ' ἄτης ἄνθεα φυόμενα,
> εὐθύνει δὲ δίκας σκολιάς, ὑπερήφανά τ' ἔργα
> πραΰνει· παύει δ' ἔργα διχοστασίης,
> παύει δ' ἀργαλέης ἔριδος χόλον, ἔστι δ' ὑπ' αὐτῆς
> πάντα κατ' ἀνθρώπους ἄρτια καὶ πινυτά.

> But law abiding spirit createth order and harmony, and at the same time putteth chains upon evil-doers; it maketh rough things smooth, it checketh inordinate desires, it dimmeth the glare of wanton pride and withereth the budding bloom of wild delusion; it maketh crooked judgments straight and softeneth arrogant behavior; it stoppeth acts of sedition and stoppeth the anger of bitter strife. Under the reign of law, sanity and wisdom prevail ever among men."[13]

Jaeger provides a detailed stylistic analysis of these verses. The first two, 32–33, voice an antithesis between order and harmony, on the one hand, and injustice on the other. Thus Solon emphasizes the opposition between the goods of Eunomia and the evils of Dysnomia articulated just moments before. Verse 34 contains a three-part asyndeton with its words arranged in double chiastic order: τραχέα (a): λειαίνει (b) :: παύει (b1): κόρον (a1) :: ὕβριν (a2): ἀμαυροῖ (b2). There is perfect rhyme between λειαίνει (v. 34) and αὐαίνει (v. 35) emphasizing similar corrective functions of Eunomia. Solon continues this theme—Eunomia as corrector—with four parallel lines connected by the particle δέ and emphasized by anaphora of the verb. Perhaps to emphasize the effluent and continuous good of Eunomia, there is again rhyme at the beginning and end of cola with εὐθύνει (v. 36) and πραΰνει (v. 37), and the punctuation of the cessation of evils by the repetition of παύει (vv. 37 and 38). The final line completes a

[12] Jaeger 1966, 95. Thus Jaeger names the elegy "Solons Eunomie."
[13] Sol. 4.32–39; Linforth, 143.

ring bringing the movement of the hymn back to good order and harmony in the repetition of ἄρτια (vv. 33, 40).[14]

For Jaeger Solon's use of Dysnomia and Eunomia represents a theology, not of the actions of individual deities sanctioned by the supreme will of Zeus, but of the existence of a divine order encompassing the whole world of nature as one of its parts, including the socio-political world of the polis. The laws of necessity imminent in nature and in organized political life derive from and are part of this divine order. Thus in the poetics of the "Elegy on the Polis," both Dike and Eunomia signify "a human moral order and a divine exemplar,"[15] and Dysnomia signifies the perversion of this order as the state of affairs which results from the culpable unjust actions of citizens.

There is much in the "Elegy on the Polis" that reminds Jaeger of Hesiod's treatment of justice in *Works and Days* but especially the reference to σεμνὰ Δίκης θέμεθλα, the revered foundations of Justice, and the hymn to Eunomia. Jaeger argues that the hymn is a striking stylistic imitation of the proem of *Works and Days*. The similarities make it all but certain for Jaeger that Solon had studied Hesiod's work.[16] Substantively, the hymn is also reminiscent of Hesiod's tribute to the just city in *Works and Days* verses 225–238, where verdicts are incorrupt (vv. 225–226), peace abides (v. 228), Ate (Ἄτη, v. 231) is absent, and the earth is fertile (vv. 232 ff). It is the difference, however, which Jaeger sees between Hesiod and Solon, the difference in the substance of their conceptions of the nature of political justice that is the most controversial aspect of his reading of Solon's poem.

Besides the content of the hymn itself, the most important lines on the nature of justice in the "Elegy on the Polis" are verses 14–16. Solon makes use of the image σεμνὰ Δίκης θέμεθλα, where Jaeger imagines the foundation stones of an alter or sanctuary:[17]

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[14] Jaeger 1966, 96.

[15] Ibid., 95.

[16] Ibid., 96–97. Jaeger indicates his belief that the proem to *Works and Days* is not only genuine but also an example of ancient hymnic form. He points to the techniques of lavish parallelism, antithesis, isocolon, anaphora and rhyme within cola, all elements which he also finds in the hymn to Eunomia in the "Elegy on the Polis." He says (98): "How could the striking similarities in form, of which we have no parallels from that time, in a poem dedicated to δίκη and ἀδικία, a poem modeled also in other ways on the Hesiodic *Works and Days*, have appeared by accident?"

[17] Jaeger 1966, 90 n. 2.

οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα,
ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ᾽ ἐόντα,
τῶι δὲ χρόνωι πάντως ἦλθ᾽ ἀποτεισομένη

They pay no heed to the unshaken rock of holy Justice, who, though she be silent, is aware of all that happeneth now or hath happened in the past, and, in course of time, surely cometh to demand retribution.[18]

In Hesiod, Dike, and in Solon, both Dike and Eunomia, are personified goddesses. Jaeger explains that, because of the non-abstract nature of archaic thought, personification constitutes the method by which universal ideas were represented in archaic poetry. For Jaeger, however, Solon transforms Hesiod's ideas on dike just as he transformed the motif of foreknowledge and responsibility in the *Odyssey*. With the litigation against Perses and judicial bribery fresh in Hesiod's memory, dike for him is "the concrete 'judicial verdict' of human justice from which the poetic and religious imagination easily moves on to the idea of a beneficent, benevolent power, awe-inspiring and divine."[19] For Solon, however, the goddess Dike does not represent an order of things which is constituted and defined by human faculties, e.g. the imposition of specific verdicts in individual disputes. The description of Dike in the above verses indicates to Jaeger an order of justice independent of human action. Things done in the past and in the present which are contrary to the dispensation of this order, i.e. human actions which dishonor the foundations of Dike, inevitably (πάντως) entail retribution. Such retribution may come in the present or in the future, but come it will—time is the only condition—because the order of Dike is an "imminent justice of events,"[20] which is as impossible to avoid or to defy as are the laws of health or of nature. Jaeger finds support for this interpretation in several observations. The nature of Dike's ineluctable retribution is in fact the dysnomia itself. The evils of Solon's dysnomia are different from the evils of injustice in Hesiod in the same way that divine visitations are different from the breakdown of natural systems. Thus it is decisive for Jaeger in articulating the difference between Solon and Hesiod that Solon explicates the order of dike with parallels to the laws of nature.

[18] Sol. 4.14–16; Linforth, 141.
[19] Jeager 1966, 90.
[20] Ibid., 91.

Immediately after Solon denounces the citizens of Athens for dishonoring the foundations of Dike, he lists the evils of dysnomia (some of which we already listed above). Particularly telling, however, are what one might call the public evils. The citizens will bring upon themselves faction (στάσις, v. 19), conspiracies (σύνοδοι, v. 22). They will sell some of their fellow citizens into foreign slavery (ἱκνέονται πολλοὶ γαῖαν ἐς ἀλλοδαπὴν / πραθέντες δεσμοῖσί τ' ἀεικελίοισι δεθέντες, vv. 24–25). And, in summary, their own behavior will generate evil conditions affecting the whole people (δημόσιον κακόν, v. 26) and every corner of every room (ἐν μυχῷ θαλάμου, v. 29) in the whole city (πᾶσα πόλις, v. 17). For Jaeger the important observation is that political and social malfeasance brings punishments of the same kind, e.g., factious activity brings faction to the city, or as Jaeger puts it, "that by which a man sins, by the same shall he be punished."[21] This is to be contrasted to the divine visitations in Hesiod which are sent upon the unjust by an avenging Zeus. In *Works and Days* (vv. 238–247) Zeus simply punishes the unjust city as a matter of unspecific requital—famine, plague, barrenness, war—for outrages perpetrated against his daughter.

For Jaeger, Solon has discovered, through his own political and social experience, "the universal laws that govern the living relationship of men in their city" and "the essential connection between the social behavior of the citizens and the city's welfare."[22] Jaeger sees this discovery as "a completely new structure of man's relationship to reality"[23] as compared to the vision of Hesiod which is a century more archaic, mired still in the motifs of divine vengeance. Solon discovered a law of social and political nature and expressed this understanding in the image of natural necessity. Jaeger finds this imagery in the "Elegy on the Polis," in other fragments of Solon, and in a fragment of the Ionian physicist Anaximander, which he adduces as probative evidence for his point about Solon.

Immediately after calling attention to the citizens' disregard for the foundations of Dike Solon says:

τοῦτ' ἤδη πάσηι πόλει ἔρχεται ἕλκος ἄφυκτον,
ἐς δὲ κακὴν ταχέως ἤλυθε δουλοσύνην,

[21] Ibid., 92.
[22] Ibid., 90.
[23] Ibid., 90 n. 1.

ἣ στάσιν ἔμφυλον πόλεμόν θ' εὕδοντ' ἐπεγείρει,
ὃς πολλῶν ἐρατὴν ὤλεσεν ἡλικίην·

Behold there is coming now upon the whole state an injury that cannot be avoided; she has fallen swiftly into the evil of servitude, which awakens civil strife and war from their sleep—war that destroys many men in the bloom of their youth.[24]

For Jaeger, the word ἕλκος (ulcerous sore)[25] shows that Solon is drawing upon the laws of physical health to help explain his conception of dike and its relation to the social and political order. Just as disease affects the whole body so injustice affects the whole polis. When the causes of the disease are active, the effects of the disease are unavoidable by the laws of physical necessity. In a similar way the effects of injustice will bring about the evils aforementioned.

For Jaeger Solon makes a similar point in his fragment 9 by drawing upon the laws of nature to explain the order of justice:

ἐκ νεφέλης πέλεται χιόνος μένος ἠδὲ χαλάζης,
βροντὴ δ' ἐκ λαμπρῆς γίγνεται ἀστεροπῆς·
ἀνδρῶν δ' ἐκ μεγάλων πόλις ὄλλυται, ἐς δὲ μονάρχου
δῆμος ἀιδρίηι δουλοσύνην ἔπεσεν.
λίην δ' ἐξάραντ' ⟨οὐ⟩ ῥάδιόν ἐστι κατασχεῖν
ὕστερον, ἀλλ' ἤδη χρὴ ⟨περὶ⟩ πάντα νοεῖν.[26]

By the same necessity whereby snow and hail come from the cloud, and thunder comes from the bright lightning; so the city, too, must fall a victim to its powerful individuals, and the people must, because of their ignorance, lapse into slavery to a tyrant. (When a man has risen too high, it is not easy to check him after; now is the time to take heed of everything.)[27]

In this conceit Solon uses nature as he used health in the "Elegy on the Polis" to indicate that there is a necessity in the social and political behavior of citizens. It is the nature of clouds to produce precipitation, big clouds produce violent storms. This is the inevitable and necessary law of nature. So the combination of haughty nobil-

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[24] Sol. 4.17–20; Freeman, 208.

[25] Jaeger takes ἕλκος as a medical term; see LSJ, s.v. I, 2.

[26] Sol. 9. West prints "καλά" instead of "περί" in line 6. The word περί is printed here because this conforms to text of Solon which Jaeger was using.

[27] Jaeger 1966, 93 gives a translation of the first four verses so as to facilitate an explanation of his interpretation of the poem. Since Jaeger did not translate the final two verses, the translation of Freeman, 209, is given in the parentheses.

ity and demotic ignorance leads to tyranny as a matter of the equally necessary laws of social and political realities. For Jaeger, Solon's purpose is "to reveal the iron law of causality that governs political and social life, corresponding to the absolute necessity of nature."[28]

Jaeger also points to fragment 12 which reads:

> ἐξ ἀνέμων δὲ θάλασσα ταράσσεται· ἢν δέ τις αὐτὴν
> μὴ κινῆι, πάντων ἐστὶ δικαιοτάτη.

> The sea is tossed by the winds: but if no wind stir it, it is of all things the most peaceable.[29]

The word δικαιοτάτη (dikaiotate, "most peaceable," most just) is a political term. Its incongruity with the naturalistic diction of the fragment produces a startling effect which serves to emphasize again the parallelism between natural law and socio-political law.[30]

Finally, Jaeger points to Anaximander for further corroboration of his view that Solon is presenting a natural law of socio-political justice. He is struck by the similarity between verses 15–16 of the "Elegy on the Polis:"

> ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα,
> τῶι δὲ χρόνωι πάντως ἦλθ' ἀποτεισομένη

> [Holy Justice] who, though she be silent, is aware of all that happeneth now or hath happened in the past, and, in course of time, surely cometh to demand retribution;[31]

and the famous fragment of Anaximander:

> ἐξ ὧν δὲ ἡ γένεσίς ἐστι τοῖς οὖσι, καὶ τὴν φθορὰν εἰς ταῦτα γίνεσθαι κατὰ τὸ χρεών· διδόναι γὰρ αὐτὰ δίκην καὶ τίσιν ἀλλήλοις τῆς ἀδικίας κατὰ τὴν τοῦ χρόνου τάξιν.

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[28] Jaeger 1966, 93.

[29] Sol. 12.1–2; Linforth, 151.

[30] It should be said that Jaeger is aware that other interpretations are possible of these various passages in Solon which utilize conceits of nature and health. He himself notes that the "beautiful simile of the sudden burst of a spring storm in the prayer to the Muses is to be interpreted in a different sense. What is compared there with the natural event is merely the elemental explosive power of Dike, not the factor of physical causality." Jaeger 1966, 93 n. 2. It is the specific environment of the "Elegy on the Polis" and the correspondence of the themes in the shorter fragments discussed that lead Jaeger to see therein a natural law of dike.

[31] Linforth, 141.

> And the source of coming-to-be for existing things is that into which destruction, too, happens, 'according to necessity; for they pay penalty and retribution to each other for their injustice according to the assessment of Time.'[32]

In this passage, dike (δίκην, which the translator rendered as "penalty") according to Jaeger, is associated with a natural necessity for a kind of equalization between generation and corruption. When something comes into being, nature sees to it that something else ceases to exist, not necessarily immediately, but necessarily in time. Thus time is the guarantee of dike in nature. The similarity between Solon's and Anaximander's text confirms, for Jaeger, his interpretation of Solon's thinking in the "Elegy on the Polis." The common feature is the inevitability of the effects of dike as a function of the progression of time. Just as in Anaximander's nature so in Solon's social-political order, dike is an aspect of the laws of necessity governing the outcome of social and political action. Just as generation necessarily triggers corruption so does anti-social and anti-political behavior necessarily trigger the conditions of dysnomia, which are the penalties of dike. For Jaeger, Solon's understanding of the socio-political order was shaped by two forces: the bold conceptions of Ionian physicists, who were beginning to espouse a natural law of generation and corruption inherent in the very nature of material things, and a knowledge of the history and a wide experience of the current affairs of the many poleis existing both in Greece and in Ionia.[33] Knowledge of Ionian scientific ideas enabled him to see corresponding patterns in the social and political experiences of men.[34] Thus for Jaeger, the "Elegy on the Polis" expresses a natural law of dike, a necessary law of cause and effect in the socio-political order.

In order to grasp just how revolutionary Jaeger believed Solon's advance in socio-political thinking to be, as well as his substantive understanding of dike, it is important not to lose sight of his emphasis on its distance from Hesiod. In *Die Rechtsidee im frühren Griechentum* Victor Ehrengberg expressed his judgment that there was little difference between Solon and Hesiod. Ehrenberg asked: "Es fragt sich, wie das dazwischenliegende Jahrhundert [zwischen Hesiod und

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[32] Kirk and Raven, 117, quoting Simplicius in *Phys.* 24, 17, which contains the fragment (= Diels 10) of Anaximander.
[33] Jaeger 1965, 144.
[34] Ibid.

Solon] den Begriff der δίκη gewandelt hat."[35] (The question is how did the intervening hundred years between Hesiod and Solon change the concept of dike.) As part of his answer Ehrenberg described the historical background to Solon's "Elegy on the Polis" which he understood as a struggle between the rich and the poor: the hybris of the rich in exploiting the poor with respect to land interests and the excessive and unjust acquisition of wealth by the powerful. He noted further that Solon warned the erring rich that dike would come later for this kind of behavior, i.e. as the requital (Vergeltung) of Zeus. Upon an analysis of this sort, Ehrenberg continuted: "Ganz ähnlich wie bei Hesiod scheint wieder ein Führer der Unterdrückten zu kämpfen, jetz nicht mehr der Bauern gegen den Adel, sondern der Armen gegen die Reichen."[36] (Wholly similar to Hesiod does he appear to fight as a leader of the oppressed, now no longer the farmers against the nobles, but the poor against the rich.) Thus, for Ehrenberg, Solon's dike was much the same as Hesiod's, tied to the intervention of a punishing Zeus.[37]

Jaeger had precisely this argument of Ehrenberg in mind when he offered the following explicit statement of the difference between Hesiod and Solon:

> The remarks of V. Ehrenberg, *Die Rechtsidee im frühen Griechentum* (Leipzig 1921) pp. 83–86, about the relationship of Solon to Hesiod, especially in regard to δίκη, are not very helpful because, as happens often nowadays, his point of departure is the lexographical (sic) history of the word. With this method the conclusion is easily reached that there is little change in actual meaning; this is, however, deceptive, for beneath the unchanged word-meaning lie hidden very great changes in the structure of thought. To grasp what δίκη means to Solon, we must understand it from its foundation, i.e. in relation to the rest of his philosophy.[38]

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[35] Ehrenberg 1921, 83.

[36] Ibid., 84.

[37] Wilamowitz expressed a similar judgment, which B. Manuwald, 5 calls a schathing criticism, when Jaeger first delivered "Solons Eunomie" as an Akademievortrag at die Preussische Akademie der Wissenschaften zu Berlin: "Aber da ist doch eigentlich gar nichts zu erklären, es ist alles sprachlich ganz einfach, und in ihrer Rechtsidee sind sich Solon und Hesiod doch völlig gleich." (But there is strictly speaking nothing to explain, it is all entirely simple lingustically, and in their ideas about justice Solon and Hesiod are wholly similar.)

[38] Jaeger 1966, 89 n. 2.

Jaeger's analysis of the "Elegy on the Polis" was precisely such an attempt to grasp Solon's conception of dike. Thus his examination and discussion of the poem does not depend to any substantial degree on researches into the history of Solon or on assumptions about the social and political realities of the polis in sixth-century Athens. He does acknowledge an environment of contention between classes of citizens as a relevant background for the poem. Specifically, he references strife between "the common folk and the leaders," whom he takes to be "the old ruling aristocracy,"[39] but no greater historical knowledge than this vague acknowledgement of political strife is necessary for his interpretation of the elegy. He does not attempt to determine whether the common people were hecetemoroi, middling farmers, a rising class of commercial traders or the like, nor does he venture to articulate the precise nature of the conflict, whether it involved landed rights, debt-slavery, or disputes over participation in the government. Further, even though Jaeger dates the "Elegy on the Polis" to a period before Solon's archonship, there also seems no urgency to lay down anything very precise about Solon's position in the polis or his relationship to the constituents of the conflict. At the margins of Jaeger's analysis may perhaps be the influence of an assumption about the nature of the polis, when he speaks of "a circle of men closely bound in the narrow unity of the ancient Greek polis,"[40] but nothing more.

This non-historical approach is only to be expected, however, since Jaeger's controlling methodology is to focus strictly on the implications of the language of the poem as a record of Solon's own perceptions. Thus, rather than looking to historical background to provide a principle of interpretation, he follows the internal coherence of the elegy, drawing support for his reading from parallel ideas in other fragments and in sources outside the Solonian corpus, primarily, as we have seen, in Homer, Hesiod, and Anaximander.[41] Thus, if

[39] Jaeger 1966, 82.

[40] Ibid., 81.

[41] It is interesting to note, as does Jaeger, that, although clearly to be grouped among his political poems, the "Elegy on the Polis" is not included among the poems collected in *AP*. Jaeger thinks that the elegy can be distinguished from "those poems that are political in the narrower sense," like, for example, the ones quoted in *AP*. Jaeger sees the "Elegy on the Polis" as holding a middle place between these narrower political poems and the "Elegy to the Muses," which he regards more as a religious poem. Whatever the specific reason for the omission in *AP*, it perhaps

Wilamowitz's approach to Solon's fragments in *Aristotles und Athens* represented a high point of historical criticism, Jaeger's approach in "Solons Eunomie" is a precedent which still influences modern critics to view the poems primarily as the record of the impression of political realities on a poetic sensibility.

Section 2: *Recent Criticism of the "Elegy on the Polis" Justice Demythologized: Harmony and Legislation*

The recent work of two French critics, L.-M. L'Homme-Wery in "La notion d'harmonie dans la pensée politique de Solon"[42] and F. Blaise in "Solon Fragment 36 W. Pratique et Fondation Des Normes Politiques,"[43] attempt in Jaegeresque fashion to understand Solon's poetic perceptions. They find a key to reading Solon's political poems in the connection between the poetic representation of his concrete political acts and his depiction of dike. In their analyses they also subordinate concerns about the historical Solon to an examination of the mind of the poet as he revealed it through his specific artistic choices.

L'Homme-Wery begins with the observation that harmony is a fundamental element in Solon's depiction of both the ideal polis and of his specific attempts as an Athenian statesman to realize something of this ideal form. In the hymn to Eunomia in the "Elegy on the Polis" (vv. 32–39), Solon describes the concrete goods of the political life founded on dike, and he presents this social and civic organism in idealized form as the gift of the personified goddess Eunomia, the sister of Dike. The word ἄρτια (artia), occurring in the opening and closing lines of the hymn, epitomizes the definition of political justice and the meaning of the entire segment. Artia is an adjective which connotes a proper, perfect, and complete fit of one thing to another. Thus L'Homme-Wery takes Solon's prominent placement of this word in the hymn to Eunomia to signify the view that the ideal polis consists of and embodies harmony and good order.[44] She finds a similar motif in fragment 36, which, in her view,

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further indicates a certain divorce between historical and literary interest in the works of Solon.

[42] L'Homme-Wery 1996.

[43] Blaise 1995.

[44] For the definition of ἄρτιος, -α, -ον see LSJ, s.v. I; see also L'Homme-Wery,

is related to the "Elegy on the Polis" because in this fragment Solon is speaking about one way to bring the ideal polis into being. Solon describes himself as "βίην τε καὶ δίκην ξυναρμόσας" ("fashioning a blend of force and justice," fr. 36.16) and also as "εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην" ("fitting a rule of jurisdiction straight to every man," fr. 36.19).[45] Thus again, noting a relationship in the root element, αρ (ar), of the words, ἁρμόζειν (*ar*modsein) and ἄρτια (*ar*tia), L'Homme-Wery identifies the same meaning for dike in fragment 36 as she identified in the hymn to Eunomia, namely harmony and good order. In fragment 36 Solon is trying to realize in Athens the ideal order which he described in the "Elegy on the Polis."

The relation between harmony and justice in these two poems brings into view, for L'Homme-Wery, the poet's conception of the relation between the political order of man and the divine order of the gods. Solon's justice is a particular, concrete manifestation of the same kind of order and harmony as exists in the divine exemplar. To clarify her perception of the relation between human and divine justice in Solon's mind, L'Homme-Wery looks, as must every critic after Jaeger's "Solons Eunomie," to a comparison with Hesiod. One hundred years earlier in *Works and Days* Hesiod's concerns were of the daily strife of the peasant's life. For Hesiod the sisters Dike (Justice), Eirene (Peace), and Eunomia (Good Order), daughters of Zeus and Themis, were the divinities to whom the peasant prayed for the prosperity of the field and for benefits of a good life. These benefits included upright and incorrupt local kings who could render fair and impartial verdicts in local disputes which were of importance to the peasant farmer, e.g. the fair disposition of ancestral property. Solon too addressed the goddesses Dike and Eunomia in his plaints about political injustice. Thus, for both of these poets the order of justice is part of the divine order. The difference for

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146: "L'adjectif ἄρτια . . . détermine les traits essentiels de cette *Eunomia* . . . que Solon conçoit comme marquée par les valeurs corrélatives d'ordre et d'harmonie." (The adjective ἄρτια determined the essential traits of Eunomia which Solon perceives as marked by the correlative values of order and harmony.)

[45] For the translations see Freeman, 215. For Sol. 36.16 Freeman (207) is translating from Hiller's text as revised and supplemented by Crusius in *Anthologia Lyrica* (Teubner, 1907) which adopts the reading of νόμου for ὁμοῦ in line 16. Thus her full translation is: "fashioning that blend of force and justice that is law." Rhodes 1993, 176, notes that the London papyrus of *AP* reads κρατεεινομου while the Berlin papyrus, and Aristides (28.138 [Kiel]) and Plutarch (*Sol.* 15) have ὁμοῦ.

L'Homme-Wery is that Hesiod's justice remains essentially tied to the world of myth in the hands of divinities outside the vicissitudes of the world of peasant agriculture, whereas Solon began to think of dike as something concrete within the actual world of the polis. For Solon the ideal order of the city was like in kind to the divine order of justice, namely a harmony of parts, a good order among the elements of political life. It was precisely this order and harmony that Solon attempted to bring about through his own primary political works, namely, liberation, arbitration, and legislation. These works are, moreover, intimately linked with Solon's activities as a crafter of words.

The work of liberation refers primarily to Solon's military leadership in the prolonged hostilities with Megara over the island of Salamis.[46] Arbitration, of course, refers to his efforts as the extraordinarily appointed διαλλακτής (arbitrator, *AP* 5.2) to reconcile the factions within the Athenian citizenry. The work of legislation refers to the codification and promulgation of the new law code which is traditionally seen as one of the works of Solon's special appointment. No further historical specification is required for L'Homme-Wery as she, once again, looks to the idea of harmony as the unifying principle of Solon's account of his military, political, and legislative acts. In these three works Solon aims to create the ideal polis by the implementation of political justice through the act of harmonizing disparate elements into an ordered political unity. In the clearest case, as arbitrator, he tried to reconcile two opposing factions among the citizens. In freeing Athens from the foreign dominance of Megara, he strove to unify the community around issues of national interest, and note may be taken here how Solon used the public recitation

[46] The primary source for Solon's connection with the Megaran conflict is Plut.*Sol.* 8, which contains one of the fragments of Solon's poems (fr. 1) thought to concern the war with Megara over Salamis. The other two Salamis fragments (frs. 2 and 3) come from Diogenes Laertius (i.47). For other sources on Solon's involvement with this Megaran conflict see Freeman, 168–176, who says (174) after reviewing the evidence: "All that seems clear is that Salamis was captured, and chiefly on Solon's efforts; and that Peisistratus took no part in the campaign. The date of the capture must have been some years before Solon's legislation; but more than this there is little evidence to determine." L'Homme-Wery also refers in her article to a line of French scholarship stemming from H. Van Effenterre's "Solon et la terre d'Eleusis," *RIDA* 24 (1977): 91–129, in which the liberation of Eleusis is also attributed to Solon. Under such a theory Van Effenterre has interpreted Γῆ μέλαινα in Sol. 36.5 to refer to a subjugated Eleusis. See L'Homme-Wery, 146 n. 5.

of his poetry to this end. In his legislation he again attempted to give permanence to his harmonizing efforts as a political reformer.[47]

In this light L'Homme-Wery reads the heart of fragment 36:

> . . . ταῦτα μὲν κράτει
> ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας
> ἔρεξα, καὶ διῆλθον ὡς ὑπεσχόμην·
> θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι
> εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην
> ἔγραψα.

> Cela, je l'ai fait, par mon pouvoir, en harmonisant l'une à l'autre violence et justice, et j'ai été jusqu'au bout, comme je l'avais promis. Quant aux lois, c'est semblablement que, pour l'homme de rien comme pour le noble, je les ai écrites, harmonisant pour chacun une justice droite.

> These things I wrought by strength, fashioning that blend of force and justice . . . and I went through to the close as I had promised. And ordinances for noble and base alike I wrote, fitting a rule of jurisdiction straight and true to every man.[48]

Solon makes two claims which refer to two levels of his work as a political harmonizer. He says "ἔρεξα" ("je l'ai fait," "I wrought") to indicate that as a military leader he liberated the Athenians from Megara: this is the implication of βίην ("*violence*," "force"). He also says ἔγραψα ("je les ai écrites," "I wrote") to indicate that, in his capacity as statesman, he composed laws for Athens. Both his military work and his political work were animated by a desire to harmonize disparate interests in order to bring about justice in society. Proper political order required Athenian independence from foreign influence so that the use of force was proper to this end. Thus Solon harmonized force and justice in the liberation of Athens from Megara. This is L'Homme-Wery's meaning for "ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας" ("en harmonisant l'une à l'autre violence et justice," "fashioning that blend of force and justice"). Proper political order also required a harmonizing of the diverse interest of citizens under the rule of law. This is her meaning for "θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι/εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην" ("quant aux lois, c'est semblablement que, pour l'homme de rien comme pour le noble . . . harmonisant pour

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[47] See, generally, L'Homme-Wery, 146–147.

[48] Sol. fr. 36.15–20. The French is L'Homme-Wery's translation of Solon's lines (147); the English is Freeman's (215).

chacun une justice droite," "ordinances for noble and base alike . . . fitting a rule of jurisdiction straight and true to every man"). Solon regarded these two aspects of his work, the military and the political, as forming a whole designed to implement an ideal civic order based on the precepts of justice. This is the significance, for L'Homme-Wery, of the parallelism in the poem created by the placement of ἔρεξα and ἔγραψα.[49]

With a view not dissimilar to Jaeger's, L'Homme-Wery regards Solon's poetic sensibilities as a primary moving power even in his political life. He perceives reality, including political reality, as a poet, i.e., as one who believes that he possesses the truth and wishes to make it known to others in such a way that it will never be forgotten.[50] This, for her, is one of the principle functions of the archaic Greek poet. In Solon's work as statesman L'Homme-Wery sees the transfer of an essentially poetic ideal, namely, truth-telling through language, to the sphere of political action.[51] The first manifestation of this transference in the life of Solon is the use of poetry in the public square, instead of oratory, to promulgate his platform regarding Salamis:

> αὐτὸς κῆρυξ ἦλθον ἀφ' ἱμερτῆς Σαλαμῖνος,
> κόσμον ἐπέων ᾠδὴν ἀντ' ἀγορῆς θέμενος.

> Héraut de moi-même, depuis l'aimable Salamine, je suis venu, pour chanter l'ordre des mots en un poème, en lieu et place d'un discours dans l'agora.

> As my own herald have I come from beloved Salamis, to sing you a poem I have fashioned in lieu of a speech.[52]

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[49] See, generally, L'Homme-Wery, 146–147: "Ces deux parties de son oeuvre forment d'ailleurs à ses yeux un tout, comme il le souligne en enchaînant l' une à l'autre, dans ces trimètres iambiques où, par la symétrie du style, il souligne l'unité de l'oeuvre." (These two parts of his work form in his view a whole, as he emphasizes by chaining the one to the other in the iambic trimeters where, by the symmetry of style, he emphasizes the unity of the work.)

[50] L'Homme-Wery, 148, takes this notion from M. Detienne who argues that the word for truth in Greek, ἀλήθεια, consists of α-privative and the root ληθ, making the meaning of the word, "non-oubli" or not-forgetting. Thus the mnemonic aspect of public poetry is central to truth-telling.

[51] Ibid., 147–148: "Ainsi Solon entend-il façonner Athènes en une oeuvre solitaire qui prétend transcrire dans l'espace politique un talent poétique." (Thus Solon intends to shape Athens in one single work which claims to transcribe a poetic talent in a political space.)

[52] Sol. 1; L'Homme-Wery, 150; Linforth, 151.

For L'Homme-Wery this poetic act is linked to the harmonizing act of military liberation.

The codification of the laws is a second instance of the impact of the poetic spirit on politics. L'Homme-Wery sees in Solon one who tirelessly labors to create political truth through the realization of justice and to proclaim this truth in speech. For her the promulgation of written law, almost a poetic act in itself, is another instance of placing the truth of justice at the center of the city in a communicative act open to all. The laws are acts of speech turned into writing where the lawgiver imposes himself and his vision of justice on the city outside the physical reality of his own person.[53]

One common effect of the manifestation of Solon's ideal of justice, both in the promulgation of written law and in the publication of his political poetry, is what might be called an anti-mythology. In explaining this notion, L'Homme-Wery applies the ideas of J.-P. Vernant. Vernant sees myth as a mechanism turning the attention of persons away from the actuality of present time to the horizons of mythic time. Thus, for example, the king who settles a dispute by giving judgment and reprimand through effective and sweet words is using a gift of the Muses sanctioned by Zeus himself. The king through the gift of sweet words turns the mind's attention away from the pain of present realities to the more perfect order of the world of myth. Thus Hesiod prays for Zeus to re-establish his own divine, i.e. mythic, order within the human world of the *Works and Days*, to straighten the crooked kings who deliver purchased judgments paid for by the likes of Perses, Hesiod's corrupt brother. Solon, on the other hand, is himself a personal agent of the kind of change which is intended to establish a just order in the city, and a very large component of this agency is placing the ideal at the center of the city under the inspired claim of poetry. Thus he defines himself as a poet in possession of a wisdom right for the city, namely, that the realization of Eunomia is the key to the just order.

For L'Homme-Wery Solon is a poet who became a politician.[54] To understand this is to understand not only Solon's political poetry but his politics as well. The notion that harmony is central to the good order of Eunomia is, quite literally, a poetic principle applied

[53] L'Homme-Wery, 148.
[54] Ibid., 153.

by analogy to the world of politics. This is how L'Homme-Wery reads fragment 13.51–52 from Solon's "Hymn to the Muses:"

> ἄλλος Ὀλυμπιάδων Μουσέων πάρα δῶρα διδαχθείς,
>   ἱμερτῆς σοφίης μέτρον ἐπιστάμενος·
>
> Une autre, instruit du don des Muses de l'Olympe, connaît le mètre de son art aimable.
>
> Another, trained in the gifts of the Olympian Muses, has knowledge of lovely poesy's measures.[55]

The sophia ("σοφίη," "*art*," "knowledge") of Solon's verse is for L'Homme-Wery a unity; it is as much a poetic expertise ("*art aimable*," "lovely poesy") as it is a political expertise. Wisdom involves grasping the fundamental measures of the nature of things which exist at the limits of reality. Thus for L'Homme-Wery, fragment 16 becomes a gloss on the above verses:

> γνωμοσύνης δ' ἀφανὲς χαλεπώτατόν ἐστι νοῆσαι
>   μέτρον, ὃ δὴ πάντων πείρατα μοῦνον ἔχει.
>
> Il est très difficile de percevoir la mesure invisible de la sagesse qui seule fixe les limites de toute chose.
>
> It is very difficult to discern that hidden measure of wisdom which alone contains the ends of all things.[56]

Insight ("γνωμοσύνη," "la perception," "discernment") is required for grasping the truth of things, including things political. It lies in the measurable intelligibility ("μέτρον," "la mesure," "measure") which allows perception of the defining boundary or limits ("πείρατα," "les limites," "ends") of things. The insight which ultimately informs Solon's political vision comes from the innate sensibilities of his poetic soul: it is the recognition that harmony is necessary for good order. Metrical intelligibility requires the harmonization of alternating strong and weak patterns of sound. Political order requires the harmonization of opposing interests and desires among the citizenry. Thus Solon brings to his political work a knowledge transferred from his experiences as poet, namely, the insight that dike in all its forms, including its political form, is the harmonization of disparates into

[55] Ibid., 150; Freeman, 211.
[56] L'Homme-Wery, 150; Freeman, 212.

unity. In relation to the political world he called this unity Eunomia. In expressing this truth to his fellow citizens, Solon chose to exhibit the interface between his talents as poet and statesman. Thus he brought poetry to the public forum to proclaim his message of dike, and he also concretized his work as a political harmonizer in the promulgation of written law.[57]

L'Homme-Wery acknowledges that neither Solon's contemporaries nor modern scholars have recognized this aspect of Solon's political work. His fellow citizens, rich and poor, noble and base alike were too taken up in the oppositions of the day to realize the truth of the structure of justice which Solon was trying to teach and to implement. Thus the disaffected called for redistribution of land and urged him to become tyrant. Solon's principle of harmony was not an absolute equality; his plan was not to create an isomoiria (ἰσομοιρίη), an equal portion for all, but an eunomia, driven by equality under law.[58] Moreover modern scholars have been too focused on the quest for the historical Solon and less interested in the spirit of his political reform as recorded in his poetry. L'Homme-Wery attributes this to the influence of *AP* and its tendency to treat Solon primarily as a political leader who experimented with poetry. *AP* was not interested in the connection between Solon's poetic vision of harmony as the principle of dike and his constitutional reforms.

F. Blaise in his article, "Fragment 36 W. Pratique et Fondation Des Normes Politiques," agrees with L'Homme-Wery that the historical investigations of Solon the politician and reformer, as they have been conducted in both ancient works like *AP* and in more modern works like the ones we examined in the previous chapter, have on the whole contributed little to an understanding of Solon's political poetry.[59] Mired in opposition, these historical studies do not have as their aim the essence of the man as revealed by his poetic

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[57] For the argument see generally L'Homme-Wery, 149–150.

[58] L'Homme-Wery, 151, reads fragment 34.7–9 as confirming Solon's renunciation of isomoiria in favor of eunomia. See particularly 34.8–9: "οὐδὲ [ἁνδάνει] πιείρης χθονὸς / πατρίδος κακοῖσιν ἐσθλοὺς ἰσομοιρίην ἔχειν." (Ma politique exclut de faire quoi que . . . de la terre grasse de la patrie, les nobles aient *une part égale* aux gens de rien. [L'Homme-Wery, 151].) (Nor should I be glad to see the rich soil of the fatherland divided *equally* among the good the bad. [Linforth, 137].) (Emphases mine.)

[59] On the other hand, of course, the historians reviewed in Chapter I would contend that the poetry contributes little to a detailed historical reconstruction of the life and work of Solon.

impressions, and this is what Blaise attempts to discover in his analysis of fragment 36. For him this poem is the essential interface between Solon's political work and his poetic perception of things political.[60] Not unlike Jaeger, Blaise attempts to learn the mind of Solon through a proper interpretation of his poetry. For him, the key to this is attention to the manner in which the idea of dike fits into the structure of fragment 36.[61]

The fundamental motifs that capture the attention of Blaise and shape the coherence of his analysis are the joinder of justice and violence (δίκη καὶ βίη) and the union of justice and law (δίκη καὶ θεσμοί). To these motifs he connects the images of the earth and the wolf in explication of Solon's own understanding of his political work. What emerges in the end is a picture of Solon as one who takes the place of Zeus by transforming divine authority into human authority in political affairs.

Similarly to the observations of L'Homme-Wery, Blaise focuses on Solon's use of the words ἔρεξα (ereksa = I acted, 36.17) and ἔγραψα (egrapsa = I wrote, 36.20) as framing conceptions in the central section of fragment 36. For him the placement of these words announces that the more palpable forms of political action, like the use of force to achieve freedom, are to be united with the more intellectual forms, like the crafting of laws, for the sake of the implementation of justice in society. It is precisely this linking that reveals the nature of Solon's political action and his understanding of political justice.

Solon's striking claim in 36.16 to have harmonized justice and violence—ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας ("fashioning a blend of force and justice")[62]—is a key to the source and stature of the authority of the statesman in the political order as it is presented in the

[60] Blaise, 25: "Le problème réside bien là: dans l'oeuvre poétique de Solon. Sans doute écrite-on beaucoup sur le réformateur athénien, mai le lit-on vraiment? Le text 36 est de ce point de vue exemplaire . . . C'est en effet dans ce poème que l'on pense trouver l'expression la moins obscure des réformes soloniennes, et, plus particulièrement—c'est d'ailleurs ainsi que l'introduit Aristote—l'évocation de l'importante réforme de la sisachthie." (The problem resides well there: in the poetic work of Solon. Without doubt much has been written on the Athenian reformer, but is he read correctly? Fragment 36 is from this point of view exemplary . . . In effect it is the case in this poem that one expects to find less obscure expressions of the Solonian reforms, and, most particularly—although Aristotle introduces it for a different reason—an evocation of the important reform of the seisachtheia.)

[61] Ibid., 26.

[62] Freeman, 215.

poem. The claim appears at first to be at odds with the Greek political tradition, since in Hesiod force or violence, i.e. βίη, is the distinguishing characteristic of the animal world and, thus, precisely inhuman. Justice, i.e. δίκη, on the other hand, is Zeus's particular gift to the human world. It is specifically opposed to violent force and, thus, distinguishes men from animals for the better. Solon himself in several fragments specifically associates force and violence with the inhumane institution of tyranny.[63] The contradiction, however, is no more than apparent, for it is the proper authority to use force, signified by the word κράτει (kratei, 36.15), that leads Solon out of a collision with Hesiodic tradition. Proper authority emancipates force from animalism, and its association with justice frees it from the taint of tyrannical illegitimacy. The idea of κράτος (kratos) or legitimate power leads the direction of the poem ultimately to the image of Zeus. Solon's association of force and justice recalls, for Blaise, the image of Zeus in Hesiod's *Theogony* and the battle against the Titans which established Zeus's κράτος as the greatest among the gods.[64] This image supports for Blaise the interpretation that Solon as a statesman is in a position of authority within the city similar to that of Zeus within the cosmos. Thus on this reading of fragment 36 Solon establishes himself as the Zeus of the political order whose authority permits the joinder of force and justice in the promulgation of order.[65] Blaise offers these words in verse 17—διῆλθον ὡς ὑπεσχόμην ("I followed through to the end the course which I promised")[66]—in confirmation of his view. Solon speaks here in the

[63] Blaise, 28–29 citing Hes.*Op.* 275 and Sol. 32.2, 34.8, and 37.4. He says: "Le lien établi entre violence et justice est en effet difficile *a priori*. Dans deux autres fragments de Solon, βίη est associé explicitement à la tyrannie. Hésiode, lui, rejette l'alliance βίη/δίκη pour les hommes, en exhortant Persès, s'il veut échaper a l'animalité pour devinir pleinement humain, à écouter la *dikè* et à oublier totalement la biè." (The link established between violence and justice is in effect difficult a priori. In two other fragments of Solon βίη is associated explicitly with tyranny. Hesiod himself rejects the alliance of βίη/δίκη for men, when exhorting Perses, if he wished to escape animality to become fully human, to heed dike and to forget bie completely.)

[64] Blaise, 29: "Κράτει (v. 15) est important: le terme signifie le pouvoir que l'on exerce, l'autorité qui est l'enjeu de la Titanomachie en *Théogonie*, 647, et qui sert à définir Zeus (κράτει μέγιστος, "le plus grand [des dieux] par son pouvoir") dans le même poème, au vers 49." (Κράτει (v. 15) is important: the term signifies the power which one exercises, the authority which is at stake in the battle with the Titans in *Theogony*, 647, and which serves to define Zeus (κράτει μέγιστος, "the greatest of the gods by his own power") in the same poem at verse 49.)

[65] Ibid.

[66] Linforth, 137. Blaise does not offer his own French translations of the parts

same manner that Zeus Telesphoros speaks in the "Elegy to the Muses"—"ἀλλὰ Ζεὺς πάντων ἐφορᾶι τέλος" (but Zeus brings the fulfillment of all things, Sol. 13.17)—whose very business it is to look after things and see them through to their end.[67] By speaking in this way and by alluding to this particular manifestation of the power of Zeus, Solon is appropriating to civic matters the stature of Zeus's authority to use power and force to establish justice and good order.

While the removal of the horoi mentioned at 36.6 is one example of a justified act of force, the most politically significant manifestation of the combination of force and justice is the act of legislation, and this unification is the heart of Blaise's interpretation of fragment 36. To legislate, to set down laws in writing, is an act of force because it imposes a fixed regiment upon an individual citizen's latitude of action. Solon, however, insists on the egalitarian character of his laws and on the fusion of justice with the violence of legislation.[68] This is the import of 36.18–20:

> θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι
> εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην
> ἔγραψα.
>
> I drafted laws, which show equal consideration for upper and lower classes, and provide a fair administration of justice for every individual.[69]

For Blaise the key to the image of the statesman as a political Zeus lies in the meaning of Solon's claim to have written laws while fitting (en ajustant) straight dike to every individual. The meaning of εὐθεῖα δίκη (eutheia dike or straight dike), reminiscent of similar phrasing in Hesiod's *Works and Day*,[70] is a fair verdict, free from corrupting influences, and delivered by a neutral judge to settle an individual dispute. Because such a verdict, being valid only in the particular, is in its nature contrary to the universality of written law, Blaise sees an intentionally constructed paradox in Solon's explicit association of legislation and this narrow juridical sense of dike. Blaise's believes that for Solon, active, individual justice in the settlement of disputes

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of Solon's poems to which he refers or which he quotes, unlike L'Homme-Wery, whose translations were given in the text.

[67] Blaise, 29.

[68] Ibid., 30.

[69] Linforth, 137.

[70] Cf. Hes.*Op.* 221 and 225.

is the originating principle of legislation. In more concrete terms, the construction of the law code must itself manifest, as an internal legitimating principle of the legislative act, that each law is applicable equally to every individual in society. Thus a more universal sense of justice, wider than the individual judicial verdict, is to be found in the conformity of the rigid and automatic order of legislation to the diversity of individuality within the polis.[71] The fruits of justice so conceived are indicated by Solon's use of the imagery of the black earth.

The claim at the beginning of fragment 36 that the black earth itself gives witness to Solon's accomplishments confirms for Blaise the view that the legislator brings the fruits of justice to the city.

> συμμαρτυροίη ταῦτ' ἂν ἐν δίκηι Χρόνου
> μήτηρ μεγίστη δαιμόνων 'Ολυμπίων
> ἄριστα, Γῆ μέλαινα, τῆς ἐγώ ποτε
> ὅρους ἀνεῖλον πολλαχῆι πεπηγότας.

> The corroborative evidence . . . will be given before the tribunal of Time by the black Earth, the supreme mother of the divinities of Olympus. I removed the stones of her bondage which had been planted everywhere.[72]

Solon, taking liberties, passes over the generation of the Titans to assign the motherhood of the earth directly to the Olympians in order to introduce the developing association between Zeus and the statesman-legislator. Just as Zeus was the liberator of the land from the grip of Chronos so is Solon the liberator of Athens from the grip of injustice through his political reform. Solon's work did not proceed at the cosmic level as did the work of Zeus, but at the civic level by restoring the unity of justice to the city. Thus Solon refers to the removal of the horoi, which Blaise takes to signify objects of division among the people. He also uses words of gathering such as ξυνήγαγον (ksunegagon, "I gathered togther," 36.1) and ἀνήγαγον

[71] See Blaise, 30–31. Blaise says: "L'ordre est autoproduit, d'où le paradoxe: les normes, dont chacun est le destinataire, résident dans l'adaptation adéquate au cas particulier; la justice est la prise en compte d'une communauté caractérisée par la diversité." (The order is self-executing; whence the paradox: the normes of which each is the recipient, reside in the adequate adaptation to the particular case; justice is an accounting of a community characterized by diversity.)

[72] Sol. 36.3–6; Linforth, 137.

(anegagon, "I gathered up," 36.9) as a further sign that unity was the first fruits of his work. The basis of this unity is the process of justice embodied in the combination of the dike of judgment and the dike of egalitarian legislation. Thus the witness of the earth will be in the dike of time (ἐν δίκηι Χρόνου), which Blaise interprets to mean within the civic and juridical process of political life created by the new order of justice based on the equal protection of law promulgated by the statesman-legislator.[73]

Blaise believes that fragment 36 is a complete poem with a meaningful organization centered around the connection between dike and the statesman's legislative acts. The poem's first two verses form an introduction, setting the action in Athens in the context of political upheaval. Verses 3–15a present Solon's political work in terms of action by describing the liberation of both the land of Athens and Athenian citizens. Verses 15b–20 present a more abstract version of Solon's politics in terms of law, justice, and egalitarianism. The unity of the pragmatic and the abstract converge around the theme of the unification of justice and force emphasized by the anaphora of grammatical form in ἔρεξα (I acted) and ἔγραψα (I wrote). Verses 20b–25 present the negative aspects of Solon's political experiences. And the whole meaning of the poem is brought to a point in the last two verses which form an epilogue and contain the intriguing image of Solon as a wolf among dogs, which is introduced by the image of Solon as ox-herd.[74]

> . . . κέντρον δ' ἄλλος ὡς ἐγὼ λαβών,
> κακοφραδής τε καὶ φιλοκτήμων ἀνήρ,
> οὐκ ἂν κατέσχε δῆμον· εἰ γὰρ ἤθελον
> ἃ τοῖς ἐναντίοισιν ἥνδανεν τότε,
> αὖτις δ' ἃ τοῖσιν οὕτεροι φρασαίατο,
> πολλῶν ἂν ἀνδρῶν ἤδ' ἐχηρώθη πόλις.
> τῶν οὕνεκ' ἀλκὴν πάντοθεν ποιεόμενος
> ὡς ἐν κυσὶν πολλῆισιν ἐστράφην λύκος.

> An unscrupulous and avaricious man, if he had got the whip hand of the city as I had, would not have held the people back. If I had adopted the policy which was advocated by my opponents, then, or if thereafter I had consented to the treatment which *their* opponents were always planning for *them*, this city wold have lost many of her

[73] Blaise, 31–33.
[74] Ibid., 26.

> sons. This was the reason why I stood out like a wolf at bay amidst a pack of hounds, defending myself against attacks from every side.[75]

Although the κέντρον or ox-goad (the "whip" of the translator) represents the magnitude of power which Solon held over the city, for Blaise it also indicates the manner in which Solon himself, as opposed to the hypothesized unscrupulous man, wielded that power. The ox-herd directs his beasts in the same manner in which a plough-man works the field, in straight paths. Thus the θεσμοί (thesmoi) or laws are laid down in the same manner as the δίκαι (dikai), or judgments, are given, namely, εὐθεῖαι (eutheiai), or straight. And so, by the logic of the image, the legislator with the power of law is the guardian of rectitude in the city.[76]

The wolf, on the other hand, is not a symbol of properly applied and justly directed power but an image of the legislator besieged. The image of the wolf readying a defense (ἀλκήν) against a closing pack of dogs reminds Blaise of the two Ajaxes in the *Iliad* (17.725–734) desperately parrying the frenzied thrusts of Trojan spears as they stood guard over the body of Patrochlus. There the greater and lesser Ajaxes were described as wild boars, an image which often depicted the martial bravery of the epic heroes. Once Solon invoked the world of epic associations he was free to turn the boar into a wolf and thus to import a different, more negative epic connotation into his poem. Again in the *Iliad* the wolf depicts a cruel and savage sense of epic battle. Blaise calls attention to *Iliad* 16.156–163 where the Myrmidons of Achilles are compared to a frenzied pack of wolves (οἱ δὲ λύκοι ὣς /ὠμοφάγοι, *Il.* 16.156–157) which tears apart a mountain deer, glutting themselves on the raw meat, later disgorging the bloody evidence of the murder (φόνον αἵματος, *Il.* 16.162) while lapping the waters of a darkened spring.

In Blaise's analysis the image of the wolf signifies a figure isolated from society, standing at the edge of the political world.[77] The wolf cannot be solely or adequately explained as a mere image of the legislator being assailed by the attacks of factious dissatisfaction. Solon has assumed the position of Zeus, imposing harmony on Athenian society precisely by being in some sense outside of it. Unlike the tra-

[75] Sol. 36.20b–27; Linforth, 137–138 (emphases in the original).
[76] Blaise, 33.
[77] Ibid., 34.

ditional Hesiodic king who simply applied the norms of divine order upon his subjects, Solon had to impose an order of justice and harmony upon the Athenians by crafting legislation from the perspective of someone at the limits of society, not embroiled in its conflicts. Solon excluded himself from society to write laws effectively. The ordinances imposed were not divine norms but were constructed in the mode of straight judgments, i.e. by taking into account the diversity of the people and their needs. Thus, while Solon is Zeus-like, with an authority outside of and above society, the norms of his legislation are not divine, as they are in Hesiod, but purely political.[78] They are imposed interiorly through the insight of Solon himself as the legislator who drew the lines of justice from the edge, the outskirts of society. There converges, then, in the person of Solon, in his role as statesman and legislator, the unification of force and justice, sanctioned by an authority arising from his position above and outside the factious politics of his day.

L'Homme-Wery and Blaise reach their often striking interpretations of Solon's political poems almost entirely from an internal exegesis of the poet's words. Not surprisingly they focus especially on the sense and meaning of dike in the poems, and to this extent their work owes a debt to Jaeger and the tradition of analysis which he initiated in "Solons Eunomie." Their specific conclusions are each certainly compatible with the historical fact that Solon's interest in dike arose out of the troubled political environment of sixth-century Athens. The literal sense of the political poems readily conveys at least this impression, and the proper exegetical methods of these critics do not gloss over this first and basic level of the meaning of the poems. Beyond this general acknowledgement of the historical reality, however, the exegeses of L'Homme-Wery and Blaise do not require and in fact take no further account of the historical record. Indeed, it may not even be an exaggeration to say that nothing of their analyses would be diminished, if the picture of the harmonizing, legislating statesman whom they reveal were regarded as no more than a general type. If the author of the poems were not already definitively identified as the early sixth-century archon and specially appointed law-giver of Athens, there would be no necessity arising from the interpretations of L'Homme-Wery and Blaise to

[78] Ibid., 35–36.

regard the protagonist of poems as the Solon of history. This assertion need not be regarded as a criticism of this method of literary analysis but rather as a credible acknowledgement that the internal sense of the poems alone reveals nothing very specific about the particular work of Solon. If a gap exists between history and literary exegesis in the work of L'Homme-Wery and Blaise, their work nevertheless shows beyond doubt that the question of dike is central to an understanding of the poems. From this it can reasonably be inferred that the question of dike must also have been uppermost in Solon's consideration of the actual political reforms which he implemented. Thus a more definite connection between the principle of justice which drove the reforms and the meaning of justice embedded in the political poems would result in an advance in an understanding not only of the mind of the man, but of the principles of his historical work.

Section 3 *Dike in the "Elegy on the Polis" and the "Elegy to the Muses"*

In his 1989 article "Zu Solons Gedankenwelt"[79] B. Manuwald attempts to analyze the relationship between the role of dike in the explicitly political "Elegy on the Polis" and in Solon's more religious and moral poem the "Elegy to the Muses." The formulation of Manuwald's inquiry is influenced by Jaeger's treatment of dike in "Solons Eunomie," and therefore the terms of Manuwald's own analysis similarly involve the question of the political foundations of dike and the difference between Solon's and Hesiod's view of justice. Acknowledging this debt to Jaeger, Manuwald places his own analysis within the history of the reception of "Solons Eunomie," for which he notes three phases. The first, despite Wilamowitz's initial criticism, was a favorable acceptance of Jaeger's view of a more metaphysical conception of justice in Solon than in Hesiod. Some scholars even went so far as to liken Solon to Heraclitus and Plato.[80] A second phase was more

[79] Manuwald 1989.

[80] See Manuwald, 1 n. 5, citing B. Gladigow, *Sophia und Kosmos*, (Hildesheim, 1965) and n. 6, citing K. Büchner, "Solons Musengedicht," 87 *Hermes* (1959): 163–190. One might also add Vlastos 1946, 65 (justice in Solon as "a natural, self-regulative order"); Solmsen 1949, 113 ("punishment" as "immanent causality linked to unjust acts"); Fränkel 1962, 222 ("metaphsical postulate of guilt and requital").

negative, a categorical denial of Jaeger's view, punctuated by an opposite tendency, in the extreme cases, to regard Solon as a mere recycler of Hesiod.[81] In a third, more recent phase, to which Manuwald's own article belongs, there has been a greater willingness to acknowledge some substantive advancement in Solon's conception of dike, even if coming short of Jaeger's metaphysical notions.[82]

Manuwald's approach to Solon the poet, much like that of both L'Homme-Wery and Blaise, is openly non-historical. His very operational premise is that an understanding of Solon's dike must derive from the universal spiritual foundation of the poet's own thought and not from the historical factors surrounding his political work.[83] In the end his conclusions on the "Elegy on the Polis" are a modification of Jaeger's view in "Solon's Eunomie," and his extension of the discussion of dike to the "Elegy to the Muses" represents something that Jaeger no doubt contemplated but never found the opportunity to execute.

Manuwald looks first to the "Elegy on the Polis," where his analysis causes him to come short of Jaeger's view of a metaphysical dike in Solon but to acknowledge a significant difference between the understanding of Solon and Hesiod in relation to dike as an element of political structure. He focuses on Solon's understanding of the relation among dike, time, and the punishment of the unjust behavior of citizens.

Manuwald learned from Jaeger that the beginning of the "Elegy on the Polis" is essentially a frank indictment of the irrational political behavior of the citizens of Athens, noble and common alike.

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[81] See Manuwald, 2 n. 9, citing A. Masaracchia, *Solone* (Firenze, 1953) and n. 10, citing A. Spira, "Solons Musenelegie" in *Gnomosyne* (1981): 177–196; one must certainly add Lloyd-Jones 1971, 94 n. 7 ("no radical break between Solon and Hesiod").

[82] See Manuwald, 2 n. 12, citing H. Eigenberger, "Gedanken zu Solons 'Musenelegie,'" 128 *Philologus* (1986): 9–20 and n. 13, citing J. Christes, "Solons Musenelegie," 114 *Hermes* (1986): 1–19.

[83] Manuwald, 2: "Wenn im folgenden ein neuerlicher Versuch unternommen wird, die Frage nach dem geistigen Standort Solons zu klären, sollen daher die 'Staats-' und die 'Musenelegie' als die Texte, in denen sich in erster Linie allgemeinere, nicht auf konkrete politische Vorkommnisse bezogene Vorstellungen Solons erkennen lassen, gleichermaßen zugrunde gelegt werden." (If in the following a newer search is undertaken to clarify questions as to the spiritual position of Solon, the "Elegy on the Polis" and the "Elegy to the Muses" should accordingly be taken in like manner as the basis, as texts in which the ideas of Solon are discerned as more universal and not relative to concrete political events.)

The wrongdoing of the citizens will bring about a necessary and unavoidable punishment which will affect the whole city. It is precisely the business of Dike, whom Solon deifies as "die Göttin des Rechts,"[84] to see to this. Thus verses 15–16 of the elegy, in which the goddess Dike first appears, are fundamental to Manuwald's treatment of Solon's understanding of political justice:

> ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα,
> τῶι δὲ χρόνωι πάντως ἦλθ' ἀποτεισομένη
>
> Who [i.e. Dike], though she be silent, is aware of all that happeneth now or hath happened in the past, and, in the course of time, surely cometh to demand retribution.[85]

Manuwald notes in these verses, as have Jaeger and others, the association of dike with time, but he fixes more specifically on the confident assertion of the certainty of punishment for the citizens' irrational actions. The consciousness of Dike is far reaching, stretching back into the past and forward into the future. Consequently Dike will become her own ineluctable avenger and will bring punishment in retribution for the wrongdoing.

Her alliance with time and her knowledge of past and future indicate for Manuwald that punishment is certain even if it comes later than the perpetration of the wrong. Solon thus asserts the temporal inevitability of punishment with confident assurance in the efficacy of dike, and with this understanding, he moves away from the world of the *Works and Days*. Manuwald reads Hesiod as sometimes open to the possibility that the wrongdoer may escape punishment, a possibility which, in absolute terms, is foreclosed in Solon.[86]

This confidence is justified for Solon because he sees that Dike's punishment for injustice is internal, arising from the very confusion of the political order caused by unjust behavior. Here again Manuwald follows Jaeger. The effects of injustice described in the "Elegy on the Polis," like inner strife and cancerous internecine faction, affect not just the specific wrongdoers, but every citizen of the polity. This

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[84] Ibid., 4.
[85] Sol. 4.15–16; Linforth, 141.
[86] Manuwald, 5: "Nur is sich Solon, wohl eben in Zusammenhang mit der stärkeren Betonung des Zeitfaktors, des endlichen Sieges der Dike gewisser als der in diesem Punkt zuweilen etwas skeptische Hesiod." (Precisely, in connection with the stronger emphasis of the factors of time, is Solon more certain of the final victory of Dike than Hesiod who is sometimes a little skeptical on this point.)

is so because the polis for Solon is a unified whole, a political organism. Thus the greed and insatiate desire of some caused many poor citizens, who were not themselves grasping, to be sold into slavery. Similarly, Solon sees the city as a whole devolving into a state of slavery, even though not everyone in the city was enslaved. The dysnomia which characterizes the civic life resulting from the unjust behavior of some is a punishment on all because of the very disorder of the dysnomic conditions of life.[87]

The pervasive nature of the punishment is shown in verse 17: "τοῦτ' ἤδη πάσηι πόλει ἔρχεται ἕλκος ἄφυκτον" ("Lo, even now there cometh upon the whole city a plague which none may escape.")[88] In "Solons Eunomie" ἕλκος was the direct work of dike functioning as an imminent natural law of retribution arising from the structure of the political order itself. Manuwald agrees with Jaeger's sense of dike as an element of political order. He follows Jaeger's analysis so far as to attribute to Solon the view that the polis is a social organism, a whole which is affected by the action of any of its parts. And so under such a rubric, at any rate, the injustice of any part of the citizenry gives rise to punishment which affects the whole just as a ἕλκος, a localized wound, affects an entire body. It is precisely in this view that Manuwald sees Solon advancing beyond Hesiod in his understanding of justice.

For Manuwald, however, the advancement is not absolute because he sees significant areas of agreement between Solon and Hesiod on dike. Although Solon conceived of dike as an aspect of the internal structure of the polis, he, as Hesiod, still represented dike as a goddess, the daughter of Zeus. This poetic device indicates to Manuwald that Solon did not view the political order as something wholly independent of the divine order. He did not wish to divorce the operation of dike from divine oversight. Although he was claiming an internal operative coherence for the political order, manifested in part at lease by the punishments of dike, he still wished to see the polis as part of the overall order of things wherein the divine had an architectonic role. Moreover, both Solon and Hesiod were concerned with the same sphere of wrongdoing. Each condemned unjust acquisition of wealth (Hes.*Op.* 320–325; Sol. 13.7–13), each had confidence that the gods would check the hybris of man (Hes.*Op.* 217–218; Sol.

[87] Ibid., 6.
[88] Sol. 4.17; Linforth, 141.

13.16 ff), in each Zeus watches over the actions of men (Hes. *Op.* 267–279; Sol. 13. 25–27),[89] and each desires political affairs to receive the sanction of divine approval. Furthermore, Hesiod, involved in estate litigation with Perses, and Solon, concerned with the legalities of encumbrances, each confronted the issue of the just acquisition of land. Therefore, Manuwald asserts that the concern for dike in Solon and in Hesiod reaches a similar sphere of activities, but he also concludes that the similarity stops there.

Hesiod's display of the particular forms of divine punishment shows that he does not understand the polis as a interdependent unity in the same sense that Solon does. Hesiod's punishments, as Jaeger first noted and Manuwald follows, are divine visitations with no rational connection with the political nature of wrongdoings such as judicial bribery. The "Elegy on the Polis" teaches a new doctrine, namely, that such wrongdoing brings dysnomia which is itself the result of and the punishment for injustice in the city, just as eunomia is the result of and the reward for civic behavior which honors Dike.[90] Thus Manuwald sees Eunomia and Dysnomia as personifications of human conduct, not as personifications of divine powers as Hesiod did.[91] In constructing this conception Solon achieves one of the intentions of the "Elegy on the Polis," namely, to absolve the gods from responsibility for the consequences of the unjust actions of the citi-

[89] The examples from Solon are all from fragment 13, the Musenelegie, which is not strictly speaking one of the political poems. This may account for the similarity in a way that preserves the difference between Solon and Hesiod more than Manuwald seems prepared to acknowledge.

[90] Manuwald, 8: "D.h. Hesiod nimmt jedenfalls bei den negativen Auswirkungen auf die Gemeinschaft die gleiche mittelbare Kausalität an wie bei der Strafe für den einzelnen, nämlich die strafende göttliche Macht. Demgegenüber hat Solon die Polis, ohne daß er es begrifflich so ausdrückt, als einem Organismus erkannt, bei dem sich das Verhalten der Mitglieder unmittelbar auf das Ganze auswirkt. Diese unmittelbaren Folgen haben bei ihm aber nichts mit dem Strafen der göttlichen Dike zu tun, sondern diese wird unabhängig von den durch die Menschen verursachten Konsequenzen für die Gemeinshaft irgendwann die einzelnen Schuldigen bestrafen." (That is to say, Hesiod in any case supposes the same mediating causality for the negative consequence in the community as he does for the punishment for the individual, namely the punishing divine might. On the contrary, Solon perceived the Polis as an organism, despite that fact that he expresses this abstractly, in which the offence of the member affects the whole in a direct way. These direct effects for him have nothing to do with the punishments of a divine Dike, but they will punish the individual guilt at some time or another independently of the consequences caused for the community by the people.)

[91] Ibid., 8.

zens themselves. These were two of Jaeger's most original insights in "Solons Eunomie," and Manuwald adopts them as a proper understanding of the distance between Hesiod and Solon. Jaeger, as we know, went further to attribute to Solon the discovery of a natural law of dike, and this Manuwald sees no necessity to accept. The limits of a proper interpretation for him is the link between dike and the new understanding of the polis as a kind of organic unity. Thus for Manuwald, Jaeger reached a partially correct conclusion, but went too far.[92] It is not necessary to read a natural law of political justice in Solon nor to see him as a precursor of Anaximander in order to validate the claim that his view of dike marks an advancement over Hesiod.

Precisely because of this new conception of dike, the "Elegy on the Polis" is by far the most philosophic of Solon's extant political poems. The "Elegy to the Muses," on the other hand, is not political or philosophical in the same sense but is rather more particularly concerned with individual actions and the question of how to act justly in the sight of the gods in the gainful activities of daily human life. The heart and soul of both poems, however, is dike, and both are equally concerned with the interplay between human action and the divine order. Therefore Manuwald finds it imperative to consider the relation between the respective visions expounded by the same poet in different but not disconnected poems.

The "Elegy to the Muses" has been a perennial puzzle to critics with the chief issue being the unity of the poem. Manuwald's interest is not to find a key to the critical problems but to consider the relationship between the "Elegy to the Muses" and the "Elegy on the Polis" with respect to the underlying conceptions of dike. His method of analysis is to focus on Solon's opening prayer to the Pierian Muses for a god-given prosperity and on the difficult notion

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[92] Ibid., 7: "Ist damit nun Solon auf Hesiod reduziert? Was den Dike-Begriff angeht—d.h. daß eine göttliche Macht strafend eingreift, wo es irdische Gerechtigkeit nicht gibt—wohl weitgehend, und hier hat Wilamowitz recht behalten; in anderer Hinsicht aber keineswegs, und so hat Jaeger unbewußt und mit falscher Begründung ebenfalls etwas Richtiges gesehen." (Is Solon therefore reduced to Hesiod? What applies to the concept of dike [in each of them], i.e. that a divine power sets to work punishing where there is no earthly justice, is, to be sure, extensive, and here Wilamowitz wins his point; but in another view in no way [is Solon reduced to Hesiod], and thus Jaeger also saw something right, though not consciously and on false grounds.)

developed in the argument of the poem that innocent descendents can be punished for the wrongdoing of their ancestors. Manuwald's position is that the conception of dike in the "Elegy to the Muses," although generally complementary to the conception developed in the "Elegy on the Polis," nonetheless goes beyond a concern for public political actions to probe the relationship between the justice of individual private acts and divine oversight of human action.

It is the similarity of the description of punishment for wrongdoing in each poem which indicates for Manuwald that the underlying conceptions of dike bear a relationship to one another. Solon's description in the "Elegy to the Muses" of the τίσις or retribution of Zeus is reminiscent of his account of the retribution of Dike in the "Elegy on the Polis" (vv. 15–16 quoted above).

> τοιαύτη Ζηνὸς πέλεται τίσις· οὐδ' ἐφ' ἑκάστωι
> ὥσπερ θνητὸς ἀνὴρ γίγνεται ὀξύχολος,
> αἰεὶ δ' οὔ ἑ λέληθε διαμπερές, ὅστις ἀλιτρὸν
> θυμὸν ἔχει, πάντως δ' ἐς τέλος ἐξεφάνη·
>
> Such is the retribution of Zeus. Not over single happenings like a mortal, does he show himself swift to wrath; yet no man who has a sinful heart escapes his eye for ever; in the end without fail he is brought to light.[93]

The τίσις of Zeus for human wrongdoing comes as unavoidably as did the retribution of Dike in the "Elegy on the Polis" for political injustice. The alliance with time, i.e. the certainty that punishment will come "in the end" is common to both poems. This doctrine of inevitable retribution shows that Solon is writing about the same class of ideas in both poems. The understanding of dike in the "Elegy to the Muses" is, however, embedded in the complex layers of the poem and not as directly implicated as it was in the more political "Elegy on the Polis."

The complexity lies in the opaque nature of the relationship between human judgment and divine judgment in the sphere of daily and normal activities of life. There are three points in the elegy where the opacity becomes most manifest in the poetic constructions. The first is in the opening hymn to the Muses. In this prayer Solon appeals to the Pierean goddesses not for the customary gift of

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[93] Sol. 13.25–32; Freeman, 210.

poetic skill and assistance in presenting the poetic subject, but for wealth and prosperity ("ὄλβον," v. 3) from the blessed gods ("πρὸς θεῶν μακάρων," v. 3, or as Manuwald says, "von seiten der Götter").[94] This is a prayer for that species of prosperity which will not run into the τίσις of Zeus, but will meet the approval of divine sanction. The prayer is difficult because there is no precedent heretofore in Greek literature for such a request to these particular divinities whose province is oversight of musical production. The second indication of complexity is in the description of the punishment of Zeus which is wider than the punishment of Dike in the "Elegy on the Polis." In that poem the punishment of Dike was indeed absolute and inevitable, a feature which Solon captured in the thematic resonation of the word πάντως (vv. 17, 28). In the "Elegy to the Muses," however, Solon augments the theme by extending the reach of Zeus's punishment to the innocent descendents of the offending party. The thematic word πάντως expresses an intensified ineluctability captured in the following verses:

> ἀλλ' ὁ μὲν αὐτίκ' ἔτεισεν, ὁ δ' ὕστερον· οἳ δὲ φύγωσιν
> αὐτοί, μηδὲ θεῶν μοῖρ' ἐπιοῦσα κίχηι,
> ἤλυθε πάντως αὖτις· ἀναίτιοι ἔργα τίνουσιν
> ἢ παῖδες τούτων ἢ γένος ἐξοπίσω.

> But one man pays the penalty straightway, another at a later time; and if the offenders themselves escape, and the fate of the gods in its oncoming alight not on them, yet it comes without fail at another time; the innocent pay for those deeds, either the children or the generations that come after.[95]

Solon is explicit here that the retribution for wrong doing can be exacted from the innocent. If Zeus, for whatever reason, fails to exact punishment from the wrongdoer himself, he will take it from the descendents of the wrongdoer, despite their specific innocence with respect to the offending act.[96] A third difficulty is found in the

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[94] Manuwald, 9.

[95] Sol. 13.29–32; Freeman, 210.

[96] According to Manuwald, 12, this is the first time in Greek literature that the punishment of innocents is stated as a universal aspect of the mechanisms of divine justice. He notes further that *Il.* 4.160–165 is precedent for punishment coming later, but still within the generation of the wrongdoer; he also notes that in Hes.*Op.* 282–285 in the specific case of perjury the descendents of the wrongdoer remain liable.

suggestion in the last lines of the poem that, no matter what man does, his actions end in ate (ἄτη), a form of irrationality which opens him to the punishment of Zeus. The hopelessness of such a condition contrasts with the picture of eunomia held out as a possibility of political life in the "Elegy on the Polis." For Manuwald, the key to these difficulties is to realize that Solon is examining in the "Elegy to the Muses" the idea of an objective value of human action, not only from the perspective of the human actor, but also from the perspective of the divine judge.

The structural focus of the "Elegy to the Muses" is the ordinary human desire for wealth ("χρήματα δ' ἱμείρω," v. 7), which Solon treats by describing and reflecting upon the various ways in which men go about securing a gainful livelihood. At a deeper level he is generally interested in the moral value of the kinds of human actions which these gainful pursuits typify; more specifically, he wishes to know when and under what circumstances such actions are just in the sight of the gods. Solon approaches this problem from the standpoint of punishment, which is to say, he wants to understand what kind of act cries out to Zeus for retribution. Within this structure he considers two different kinds of case: the easy case of flagrant hybris and the much more difficult case of the punishment of the apparently innocent. It is Solon's consideration of the second case that, according to Manuwald, differentiates the "Elegy to the Muses" from the "Elegy on the Polis" on dike.

Solon lays down certain general precepts of action which he deems sufficient to judge the case of hybris. Men must not pursue the opportunities of wealth unjustly—"ἀδίκως δὲ πεπᾶσθαι/οὐκ ἐθέλω," ("To gain it unjustly, I have no wish").[97] This directive is given as a self-evident precept at the beginning of the poet's inquiry. The interdiction follows from the equally certain precept that those who do wrong in this way will answer to the claims of justice—"πάντως ὕστερον ἦλθε δίκη," ("Without fail in after-time comes retribution").[98] The use of πάντως ("without fail," ineluctably) is, as we know, a hallmark of Solon's thinking on this matter and recalls the similar motif of the "Elegy on the Polis."[99] Under these precepts hybris in the pursuits of a gainful livelihood is one of the most unmistakable forms

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[97] Sol. 13.7–8; Freeman, 210.
[98] Sol. 13.8; Freeman, 210.
[99] See, e.g. Sol. 4.16, 28.

of unjust behavior. The reason is that wealth is ultimately a divine gift which must not be dishonored by a disproportionate attribution of merit to human endeavor. Wealth which the gods give ("πλοῦτον δ' ὃν μὲν δῶσι θεοί")[100] is secure and beneficial. Wealth procured in hybris, on the other hand, brings the explosive retribution of Zeus. This conclusion causes no difficulty for Solon. It is consistent with a rational principle of justice, and punishment can be avoided by avoiding hybris. Solon is quite certain that man is master of his domain at this level of moral action. To this extent, as Manuwald points out, Solon and Hesiod have an essentially similar conception of dike, for Hesiod too counsels man to avoid hybris in the pursuit of his living.[101] The main problem of the "Elegy to the Muses," however, emerges at the next level of inquiry.

Avoiding hybris is only part of the story because Solon introduces into his inquiry the difficult fact that the punishment of Zeus often afflicts the innocent. The clearest instance of such punishment for him is the case where Zeus passes over the actual wrongdoer to exact retribution, not from the perpetrator of the offending act, but from his innocent descendents as above—"ἀναίτιοι ἔργα τίνουσιν/ἢ παῖδες τούτων ἢ γένος ἐξοπίσω" ("the innocent pay for those deeds, either the children or the generations that come after").[102] Although this mode of divine punishment is difficult for Solon, it is not entirely irrational. It is the first instance of an inviolable theological principle, namely, that divine retribution is absolute for objectively flawed action. The affliction of persons in the line of the wrongdoer satisfies the principle. According to Manuwald, Solon treats the specific instance of the punishment of innocent descendents for two reasons. He wishes to introduce the wider and apparently more irrational problem of the punishment of innocents generally, and, somewhat surprisingly, he wishes to show how a misunderstanding of this

[100] Sol. 13.9.

[101] Manuwald, 12: "Soweit die Elegie bis jetzt besprochen wurde, ist die Notwendigkeit der Gebetsbitte um Reichtum von seiten der Götter noch nicht klar geworden. Denn Solon hat kaum sagen wollen, der Mensch sei nicht von sich aus in der Lage, ungerechten Reichtum mit seinen verhängnisvollen Folgen, soweit er auf offenkundiger Hybris beruht, zu vermeiden." (Up to this point in the elegy the necessity of a prayer for wealth 'from the side of the gods' has not become clear. For Solon hardly wished to say that man, on his own, is not in a position to avoid unjust wealth with its own fateful consequences, so far as it is due to open hybris.)

[102] Sol. 13.31–32; Freeman, 210.

principle elucidates an endemic weakness of the human condition which Manuwald calls false optimism.

When a wrongdoer escapes punishment and when Zeus in his inscrutable ways delays retribution to a more a remote generation, the inevitability of atonement is not present to the mind of the perpetrator or to the mind of his descendents. Thus everywhere in life there are persons, some wrongdoers, some descendents of wrongdoers, who go about their business and conduct their affairs in a false optimism, unaware or forgetful of the absoluteness of divine punishment. While things are good, people are confident. Reversal of fortune, however, is a corollary to the rule of absolute divine punishment, and optimism will dissolve in the affliction of Zeus's retribution.[103] This is how Manuwald, at any rate, reads the following verses:

> θνητοὶ δ᾽ ὧδε νοέομεν ὁμῶς ἀγαθός τε κακός τε,
>   εὖ ῥεῖν ἣν αὐτὸς δόξαν ἕκαστος ἔχει,
> πρίν τι παθεῖν· τότε δ᾽ αὖτις ὀδύρεται· ἄχρι δὲ τούτου
>   χάσκοντες κούφαις ἐλπίσι τερπόμεθα.
>
> We mortals, good and bad alike, think thus—each one has a good opinion of himself, before he comes to grief; then at once he begins to lament; but up to that moment in gaping folly we gloat over our vain hopes.[104]

Anyone at any time can suffer the hazard of his trade; neither the merchant, nor the farmer, nor the poet or doctor can avoid the catastrophes of life. No one can avoid the evil which he is supposed to suffer (13.62), and to all appearances both the good and the bad alike suffer unavoidably (13.64–65). For Manuwald, Solon's point is to take the notion of the innocent punishment of the descendents of wrongdoers, explicable even if unpalatable, in an even more troublesome direction. Solon's point is that all human action is essentially uncertain in the sense that it may or may not elicit the punishment of the gods; the punishing power of the gods thus appears arbitrary.[105]

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[103] Manuwald, 12–13.

[104] Sol. 13.33–36; Freeman, 210.

[105] Manuwald, 14: "Beide Reihen zusammen [namely, the generalized examples of human optimism in Sol. 13.37–42 and the examples of more particular occupations in 43–62] stehen für die Scheinhaftigkeit und Unsicherheit der menschlichen Existenz, sowohl was die Einschätzung der eigenen Situation als auch was die Erfolgsaussichten des aktiven Handelns angeht." (Both sets stand together for the

In Manuwald's view the key to grasping the significance of Solon's poetic play with the relationship between human action and divine punishment is to realize that he is examining the notion of the objective value of action. He views the value of an act from two sides, from the perspective of the gods and from the perspective of man. For him two principles are involved that envelop the moral mechanisms of human action, divine grace and divine retribution.

The first principle is the clearest and, for him, the most certain. It is that the value of an act is determined by the divine perspective. This means that an act which Zeus punishes has to be objectively flawed; or, positively, Zeus will not punish an act which is objectively good.[106] The second principle is more difficult. Solon does not believe that human actors can know with any significant certainty the objective value of their own actions. It is this human perspective that gives rise to Solon's distrust of optimism and his despair of the efficacy of human effort. Thus neither the merchant nor farmer nor the doctor nor any of the other tradesmen of the poem is able to know with certainty whether his acts warrant divine retribution, i.e., whether they are objectively good or bad. For Solon this is a fundamental disability innate to the human condition. Man lacks the foresight to determine whether he has acted according to the right measure and he is unable to see in advance the consequences of the act.[107] Because of this limitation, man is not by himself, i.e. as a matter of his own best judgment, in a position to avoid objective fault in his own actions. If he happens to accomplish a good act, it is due to good fortune, not to an applicable principle of moral action.

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appearance and uncertainty of human existence, not only as to what concerns an evaluation of a single situation, but also as to what concerns the expectation of success in active commerce.)

[106] Ibid., 17: "Mann könnte gegen dieses Verständnis einwenden, daß ‚gut' und ‚schlect' als Qualifikationen des Handelns zu moralisch aufgefaßt würden und es doch nur um das technisch sachgemäße und unsachgemäße Handeln gehe (wie die meisten neueren Interpreten annehmen). Aber dann würden wir eine dem Denken Solons nicht angemessene Unterscheidung einführen, weil er grundsätzlich jegliches Fehlhandeln (auch und gerade, wenn wir ethische Kategorien darauf anwenden) mit mangelnder Einsicht bzw. Unvernunft erklärt." (One could object to this understanding that "good" and "bad" are taken too moralistically as qualifications of action and that after all it is a matter only of technically appropriate and inappropriate action (as most recent interpreters accept). But then we would introduce an unsuitable distinction into Solon's thinking, because he accounts for each fundamentally mistaken action by faulty insight or lack of discernment.)

[107] Ibid., 15.

The objective value of the act remains to him uncertain. Solon's poetic constructions—the punishment of innocent descendents, the emphasis on the disasters attached to given occupations—all tend to emphasize the problematic nature of this profound uncertainty.

Although Manuwald will attempt to articulate an intellectual resolution to this problem, he nevertheless agrees that Solon intends this message of uncertainty to remain one of the lasting impressions of his poem. For this reason the closing verses of the poem candidly return to the precariousness of the human position before divine judgment:

> πᾶσι δέ τοι κίνδυνος ἐπ' ἔργμασιν, οὐδέ τις οἶδεν
> πῆι μέλλει σχήσειν χρήματος ἀρχομένου·
> ἀλλ' ὁ μὲν εὖ ἔρδειν πειρώμενος οὐ προνοήσας
> ἐς μεγάλην ἄτην καὶ χαλεπὴν ἔπεσεν,
> τῶι δὲ κακῶς ἔρδοντι θεὸς περὶ πάντα δίδωσιν
> συντυχίην ἀγαθήν, ἔκλυσιν ἀφροσύνης.

> In every kind of activity there is risk, and no man can tell, when a thing is beginning, what way it is destined to take. One man trying to do his work well, falls unexpectedly into great and bitter ruin; to another who blunders in his work the god grants good luck in everything, to save him from his folly.[108]

For Manuwald Solon's "οὐ προνοήσας" does not imply an unexpected fall into ruin (he rejects "unversehens" as the proper sense of οὐ προνόησας in the context of these lines).[109] He rather takes the phrase to indicate that man does not have the capacity of effective moral foresight.[110] The paradoxical combinations which Solon is exploiting in the passage—the good worker falls to ruin, the inept worker succeeds—serves to emphasize the morality of objective fault. On one side of the paradox a man intends and tries to act rightly, but falls nonetheless into ruin; on the other side, one who acts badly, nevertheless receives divine relief. From the perspective of the gods, the ruin follows objective fault, while the relief is an act of grace. To man, however, uncertainty remains the rule of the day because his foresight is inadequate to take him to the root of the outcomes.

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[108] Sol. 13.65–70; Freeman, 211.

[109] Manuwald, 15 n. 58.

[110] Ibid. Manuwald is following various other interpreters including J. Christes, "Solons Musenelegie," 114 *Hermes* (1986): 1–19 and E. Römisch, *Studien zur älteren griechischen Elegie*, (Frankfurt 1983).

Manuwald sees in this point of view the central problem of the "Elegy to the Muses."[111]

For Manuwald Solon constructed the "Elegy to the Muses" in the conceptual environment of guilt and punishment. Within this environment he has presented his images of human behavior in light of the problem of the objective value of action. Therefore it is within this environment that the critic must look for the resolution of the thematic problems of the poem.[112] Manuwald believes that Solon's purpose in the elegy was to affirm a coherent account of dike even in light of the substantial moral uncertainty of human action.[113] The key to the resolution, for him, lies in the prayer to the Muses.

Solon's prayer is a remedial response to the profound limitation of human beings to know the character and consequences of their acts. To petition the Muses for god-given wealth—("ὄλβόν μοι πρὸς θεῶν μακάρων δότε" ["Grant me from the blessed gods prosperity])[114]—is to ask that the gainful pursuit of livelihood and its results be deemed just in the judgment of Zeus, i.e. that they be objectively good. With such intervention the wealth acquired could be free from the possibility of retribution and thus secure. This is why Solon sees such wealth as permanent.[115]

> πλοῦτον δ' ὃν μὲν δῶσι θεοί, παραγίγνεται ἀνδρὶ
> ἔμπεδος ἐκ νεάτου πυθμένος ἐς κορυφήν.

> The wealth that the gods give stays with a man firm planted from bottom-most foundation to summit.[116]

Man's limitation is, in part, an inadequacy in the power of insight and foresight. Solon therefore appeals to the Muses, who, unlike human beings, possess such knowledge. He thus extends the traditional sphere of their competency, from poetic knowledge to knowledge of

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[111] Manuwald, 19, also sees in this point of view the beginning and essential principle of Attic tragedy.

[112] Ibid., 14.

[113] Ibid., 19. Manuwald follows Christ here whom he quotes: "Angesichts dessen wird man nicht sagen dürfen, Solon habe Genugtuung darüber empfunden, „Existenz und Wirken der Gerechtigkeit erwiesen und gegen alle Zweifel behauptet zu haben."" (In view of this, one is permitted to say that Solon felt satisfaction on this point "to prove the existence and operation of justice and to have affirmed it beyond all doubt.")

[114] Sol. 13.3; Freeman, 210.

[115] Manuwald, 19.

[116] Sol. 13.9–10; Freeman, 210.

the proper measure and future consequences of human action.[117] Therefore the Muses are in a position to guide Solon's own actions toward success, and such success will be manifested in the respect of his friends and the fear of his enemies:

> [δότε], καὶ πρὸς ἁπάντων
> ἀνθρώπων αἰεὶ δόξαν ἔχειν ἀγαθήν·
> εἶναι δὲ γλυκὺν ὧδε φίλοις, ἐχθροῖσι δὲ πικρόν,
> τοῖσι μὲν αἰδοῖον, τοῖσι δὲ δεινὸν ἰδεῖν.

> [Grant me] from all mankind the possession of ever good repute; and that I may thus be a delight to my friends, and an affliction to my foes, by the first revered, by the others beheld with dread.[118]

Manuwald is not suggesting that Solon's prayer is a request for the transference of insight and foreknowledge from the goddesses to the human actor. For Solon the human deficiency is an ineradicable, indeed a tragic, condition of humanity. If man were able to see the world in the way of the Muses, he would transcend his nature and become a god. The resolution of the poetic problem of the "Elegy to the Muses" must, in a sense, remain tragic; it must preserve Solon's insight that the proper human position before Dike, die Göttin des Recht, is indeed one of dependence. The resolution is in fact the prayer itself. Man cannot solve the puzzle of just action on logical grounds, and thus his only logical recourse is to appeal to the Muses. From the standpoint of their own higher knowledge, they can guide man to the action that is proper in the sight of the gods. For this reason, Manuwald says that Solon expounds in the elegy a rational irrationality.[119] Dike, i.e. justice, is measured from the per-

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[117] Manuwald, 20: "Damit der Betende Reichtum von seiten der Götter erlange, müssen ihm die Musen aufgrund ihres weiterreichenden Wissens einen hinlänglichen Einblick in die Konsequenzen seines Tuns und in die nicht zu überschreitenden Grenzen seines Zieles geben, damit das Streben ohne Fehler bleibt, der sicht rächt. D.h. die Musen müssen die begrenzte Einsicht des Menschen in eine für ein wirkliches Gut-Handeln zureichende verwandeln." (In order for the one praying to attain riches from the side of the gods, the Muses must in virtue of their more wide reaching knowledge give to him a sufficient insight into the consequences of his act and into the unsurpassable limitations of his end, in order that the effort persist without the error which is open to penalty. That is to say, the Muses must change the limited insight of man into one sufficient for an actual good act.)

[118] Sol. 13.3–6; Freeman, 210.

[119] Manuwald, 25: "Es liegt bei Solon, wenn das Paradoxon erlaubt ist, ein bemerkenswert rationaler Irrationalismus vor." (Solon presents, if one will allow the Paradox, a rational irrationality.)

spective of the gods, and Solon has to rejects Hesiod's optimism in the efficacy of righteous hard work and his confidence that didactic exhortation can lead man to just action. Solon, in the end, substitutes prayer for speech as the solution to the problem of justice. This difference between hope in speech and hope in prayer is, however, also the starting point, according to Manuwald, of an explanation of the difference between Solon's treatment of the dike of personal action in the "Elegy to the Muses" and his treatment of a more political dike in the "Elegy on the Polis."

In the "Elegy on the Polis" Solon exhorted citizens against insatiate greed and hybris in those actions which constituted the political life of city. Thus he believed to some extent that didactic speech was a duty of the statesman. Notwithstanding this similarity with the conception of the *Works and Days*, Solon's understanding of justice went beyond Hesiod's insofar as he made dike imminent to the organic and unified structure of the polis itself. In this conception, unjust deeds on the part of the citizens set in motion the ineluctable punishing action of dike embodied precisely in the political disorder which the flawed action itself caused. The conception of dike in the "Elegy to the Muses" likewise goes beyond Hesiod by making explicit the idea of objective fault in the calculus of dike.[120] In a similar way it also goes beyond the "Elegy on the Polis."

For Manuwald Solon's two poems also flow from the same general conception of dike. However, the "Elegy to the Muses," as the later poem in Manuwald's view, exhibits a movement toward a greater degree of skepticism in the ability of man to determine fully his position before the absolute standards of the divine order. Foreknowledge is essential to Solon's ideas in each poem. Accordingly, Solon makes man fully responsible for his unjust actions. In the "Elegy on the Polis" he does so through a forewarning to citizens which thus renders them, not the gods, responsible for political disorder. In the "Elegy to the Muses" he appeals to the doctrine of the objective value of action to justify the apparently inscrutable retribution of Zeus. Thus in another fragment Solon speaks of the importance of this kind of wisdom which is most difficult for man to achieve:

[120] Ibid., 23.

> γνωμοσύνης δ' ἀφανὲς χαλεπώτατόν ἐστι νοῆσαι
> μέτρον, ὃ δὴ πάντων πείρατα μοῦνον ἔχει.

> It is very difficult to discern that hidden measure of wisdom which alone contains the ends of all things.[121]

The answer of the "Elegy to the Muses" to this problem is prayer. Such a turning to the Muses, in the face of insurmountable human limitation represents in Manuwald's view a completion of the calculus of action found in the "Elegy on the Polis," an opening of the inquiry begun therein to a wider plane.[122]

Summation: New Directions

Jaeger found in the "Elegy on the Polis" a natural law of dike. The punishments of dike were an aspect of the necessary causality governing the social and political order of organized human life. Manuwald explained dike in the "Elegy on the Polis" as an element of Solon's new conceptualization of the city-state as an organic unity. The unjust actions of citizens brought about the inevitable punishment of dike arising from the very disruption of the political order itself. In the "Elegy to the Muses" Manuwald found Solon exploring the question of dike from the perspective of individual rather than political action. From this perspective Solon was diffident of man's ability to know with certainty the justice of any given particular act before the absolute standard of the gods. Blaise, focusing on fragment 36, explained Solon's understanding of statesmanship as a legitimated joinder of dike with violence through the act of legislation. In promulgating laws Solon brought dike into the service of the legitimate authority of the statesman. L'Homme-Wery explained fragment 36 and the "Elegy on the Polis" as a record of Solon's idealized understanding of poetical politics. Equipped with a poetic understanding of harmony and truth-telling, Solon attempted to establish in Athens the idealized order of dike represented by the image of Eunomia.

Each of these scholars subscribed to a common critical principle. They rejected the history of Solon's life and work as an adequate

[121] Sol. 16.1–2; Freeman, 212.
[122] Manuwald, 25.

interpretative tool and turned to the internal poetics of the fragments to find the essential meaning of the political poems. Following that principle, they each came to see in their own particular way that Solon's understanding of dike was the center point of the poems. Their philosophy of criticism stems more from a theoretical tenet about the nature of poetic expression than from an overt acknowledgement of the deep uncertainty of the historical record on Solon, which Chapter I exhibited. Nevertheless, their work does emphasize that the history of Solon is inadequate to form a basis of a biographical criticism that would connect the interpretation of the political poetry to the realities of Solon's political work in a non-trivial way.

The interpretations of Jaeger, L'Homme-Wery, Blaise, and Manuwald are valuable and interesting, but there is a seed of doubt that the meaning expounded is more of the interpreter than of Solon. This is primarily because their product is inbred, born and nurtured mainly within the environment of single poems, cut off, for the most part, from parallels due to the sparsity of the literary record. This may perhaps account for their abstract and sometimes strained readings. Confidence is also eroded because the critics had no feasible way of connecting Solon's political poems to the history of his concrete political work or, more importantly, to its theoretical underpinnings. It is highly improbable that Solon's own experience in the grave and transitional politics of his day did not shape his thinking, especially on ideas such as dike, and thus influence the composition of his poetry. There is no prospect of a more ample literary garden to cull, and the history of Solon has not proved useful in connecting the poems to the politics. Therefore, if there is to be any further progress in the interpretation of Solon's political poems, the investigation will have to turn in a new direction.

A promising possibility for such a connection exists in the attention that classical archaeologists have paid in recent years to the origin, nature, and development of the polis. Using new approaches to construe and interpret the contemporary material record, they attempt to elucidate the theoretical foundations of the polis. If the polis existed in an embryonic stage in the eighth century and developed gradually, it is possible that by the beginning of the sixth century, i.e. by Solon's time, the political idea which the polis embodied became an object of reflection for the potent minds of the day or, at a minimum, a source of unconscious influence. In Solon's case, the political turmoil which he was charged to remedy would have added a pragmatic

gravity to his reflections. To the extent, then, that his political poetry represents a record of these reflections, knowledge of the polis idea may provide a connection to the reality of Solon's actual political work. Therefore, the origin, nature, and development of the polis is the subject of the next chapter.

CHAPTER THREE

THE POLIS IDEA IN THE WORK OF THE NEW CLASSICAL ARCHAEOLOGISTS

Preliminaries: The New Classical Archaeology and the Study of Solon

In 1976 Cambridge University appointed Anthony Snodgrass to the Laurence Chair of Classical Archaeology, and on that occasion he delivered an inaugural lecture entitled "Archaeology and the Rise of the Greek State."[1] In his prefatory remarks, Professor Snodgrass noted that he was not a specialist in any "of the fields traditionally central to Classical Archaeology."[2] Such a statement would surely have seemed strange, given such a prestigious appointment, were it not the case that Snodgrass had become a prominent practitioner of what has since come to be known as the "new Classical archaeology"[3] and that his appointment at Cambridge marked the beginning of the recognition of this new practice as part of the hallowed establishment of classical studies.[4] Further, the title of the lecture indicates one of the more important areas to which the new classical archaeology has made significant contributions, namely, knowledge of the origin, nature, and development of the polis.[5]

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[1] Snodgrass 1977.

[2] Ibid., 1.

[3] See Morris 1994, 39, who, in a brief treatment of the history of classical archaeology, quotes Snodgrass introducing the name, new classical archaeology, in connection with a series of papers: "As he and Chippindale say in introducing a collection of papers on classical archaeology in *Antiquity* [(1988) 62: 724–25], 'If, together, they are taken as some kind of manifesto for a "new Classical archaeology", then so be it.'"

[4] Morris, ibid., states: "Snodgrass' blend of traditional strengths and innovative ideas has been recognized in Britain by his appointment to the Laurence chair of classical archaeology at Cambridge in 1976 and in the USA by his selection in 1984 as only the third archaeologist to give the prestigious Sather classical lectures at Berkeley."

[5] This chapter deals wholly with the contributions of the new classical archaeology to the study of the polis. The literature on the polis outside of this perspective is truly voluminous. See Raaflaub 1993, 86 n. 1 and the immense summary of scholarly opinion over just definitional concerns in Sakallariou 1989, chap. 1.

Classical archaeology in its traditional sense, i.e. in the way it was generally practiced by Snodgrass's predecessors in the Laurence chair, was a sub-discipline of classical studies, concerned primarily with the collection and cataloging of objects of art from classical culture.[6] The moderate parody that classical archaeologists work with "statues, temples and inscriptions, attributing artworks to their creators and restoring masterpieces for the market"[7] indicates the confines of the traditional practice. The great excavation of the Athenian Agora, beginning in the 1920s, provided work of this kind for generations of scholars, perhaps accounting in part for the failure of classical archaeology to follow innovations in the discipline at large.[8] Its preoccupation with art isolated it from new directions in the general science of archaeology, like progressive methods of examining the material record and alliances with other sciences such as anthropology.

It is useful to approach a description of the features of the new classical archaeology from two vantage points: from the perspective of methodology and, more importantly, from the perspective of intellectual purpose. Methodologically, the new classical archaeologists are no longer hesitant to incorporate into their specific field the focus and practices of their counterparts working in the archaeologies of other cultures. The first consequence of this extension of view and practice is that the entire material culture of the classical world becomes an object of study rather than simply the items of fine art.

Consider also the Copenhagen Polis Centre under the direction of M.H. Hansen. There have been six volumes "in the series of papers from the Copenhagen Polis Centre, which monographs along with six volumes of CPC Acts, have served to distribute the continuing conclusions arrived at by the Centre." (V.B. Gorman, review of *Further Studies in the Ancient Greek Polis*, ed. P. Flensted-Jensen, vol. 5 of Copenhagen Polis Centre Papers, Historia Einzelschriften 130 [Stuttgart: Franz Steiner, 2000], *Bryn Mawr Classical Review* 20:43:44; available from owner-bmr-1@brynmawr.edu.) Given the immensity, it is appropriate to state the limitations of this chapter. It does not consider legal, constitutional, or philosophical issues about the definition of the polis, etymological reflections on the word polis, issues of autonomy, eastern influences, the reflections of later Greek thinking, e.g. Aristotle, the difference between the polis and the ethnos, and sociological discussions of statehood, slavery, or consumer cities, and comparisons between the Greek polis and city-states of other cultures.

[6] Snodgrass 1987, 1: "That is to say, research and teaching connected with the history of Greek and Roman art have accounted for a very large portion of the activities, over the past two hundred years, of those called classical archaeologists."

[7] Morris 1994, 3.

[8] Ibid., 34–35.

No longer is there interest just in "temples, statues and pots,"[9] but now in the implements of daily life, from all levels of society, the countryside as well as the urban centers: iron implements (generally of little aesthetic appeal and so non-traditional),[10] weapons, and votive and burial deposits. To this expanded material record the new classical archaeologists have brought the meticulous methods of quantification and description which had always been one of the strengths of the traditional practice. Thus what was a point of criticism—description and quantification—when exclusively applied to objects of art,[11] becomes a unique strength when applied to the whole material culture within the wider horizons of the new approach. In addition, the new classical archaeologists have begun to employ techniques which grew out of attempts to solve specific difficulties in the archaeology of other cultures like the technique of site and surface survey practiced by North Americanists. These methods have been employed at classical sites for such purposes as the study of settlement patterns in rural areas and the relationship of the countryside to urban centers in the polis. Classical archaeologists have also begun to apply the techniques of allied sciences such as demography and, most especially, anthropology.[12] Indeed, the connection with anthropology is something that Snodgrass has advocated as essential to the continuation of classical archaeology as a viable discipline.[13]

Intellectually, the net effect of these changes has been to move classical archaeology in the direction of becoming a discipline, an independent science, in its own right, and not a mere sub-discipline of classical studies. As such its own inner force drives its intellectual purpose and defines the kinds of questions that it asks about its subject. The new classical archaeologists have become interested in the wider social, economic, and general historical significance of their discoveries in the material culture. They use their findings to contribute to theories of social change, moving in the direction of a more "social-historical archaeology,"[14] as I. Morris puts it. Their questions have become more like those of the ancient historian, and for periods where the historical record is sparse or non-existent their

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[9] Snodgrass 1991, 1.
[10] Morris 1994, 39.
[11] Ibid., 14.
[12] Ibid., 39.
[13] Ibid., 40.
[14] Ibid., 45.

methods begin to look more like the methods of Greek pre-historians, e.g. Renfrew,[15] rather than the methods of the art historian. Perhaps one of the most distinguishing features of the redefined purpose of the new classical archaeology is its overlap with ancient history. It is important, however, to understand clearly what is meant by this relationship to history.

Snodgrass is adamant that classical archaeology in its traditional role as the "handmaid of history" has been wedded to the wrong kind of history.[16] Archaeological data is in its nature never fully comprehensive, but complex, and always capable of supporting more than one explanatory hypothesis. For Snodgrass, therefore, and for new archaeology generally, there is no rational or safe association with the history of great events, with what Snodgrass calls the study of great political, constitutional, and military episodes.[17] The danger lies in expecting too much of archaeology in attributing particular historical significance to prominent archaeological data. It is a mistaken view of the nature of archaeological knowledge to think that it can confirm, supplement, or contradict the historical records of particular events. The inherent "incompleteness, ambiguity, and complexity in archaeological evidence" is not proper to such a particularized use.[18]

The new classical archaeologists have a different, in some sense, more lofty view of the relation of their discipline to history. They have begun to apply the newly forming principles of their science to the material record to develop explanations of the social realities of the people of classical culture. They are contributing to the writing of a kind of social history of the past as contrasted to a history of great events,[19] especially so where the written record is sparse or,

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[15] Ibid., 14–15.

[16] Snodgrass 1987, 37.

[17] Ibid., 38.

[18] Ibid., 43. See also ibid., 45–47, where Snodgrass gives the destruction of Mycenae as an illustration. Three successive horizons of destruction are detectable. The second, showing total destruction, is historically most significance since it shows destruction of the palatial structures and corresponds to similar destruction at Tiryns and Pylos; thus, it has been associated with the Dorian invasion. The most recent excavation of Tiryns, however, has suggested that the second destruction there was caused by earthquake, implying, naturally, that the second destruction at Mycenae was also caused by earthquake. Thus theories of Dorian invasion have to be reinterpreted. The nature of the data is too complex for archaeology to support certainty specific events.

[19] Morris 1994, 45.

indeed, wholly absent.[20] Snodgrass has said that the methods of the new classical archaeology can contribute to a historical account of the past in this broad sense in almost every area except chronology.[21] One of the most important contributions of this sort has surely been the work on the origin, nature, and development of the Greek polis.[22] The work of the new classical archaeology has begun to provide a concrete account of the emergence of the polis from the Dark Age of Greece in a way unavailable to historians. Snodgrass has observed that "the historians of the polis saw themselves dealing essentially with an abstraction."[23] Influenced by the philosophical accounts of Plato and Aristotle, they viewed the polis as a kind of essence to which historical instances conformed in a generalized way. The new classical archaeologists have begun to fill in the abstractions with details drawn from the material record, both from new analysis of material long collected and from the data of new excavations.[24] These contributions have begun to relate the abstractions of the historians to the social evolution of the Greek people from the Dark Age into the Archaic Age, and some have even seen the work of the archaeologists as changing the very conceptual understanding of the origins of the polis.[25]

In a relatively recent piece Snodgrass has made a more particular connection between the abstract historical treatment of the polis and the role that archaeology has and can continue to play in the study of this important creation of the Greek genius. He has linked archaeology to the classic work of Victor Ehrenberg. Ehrenberg has attempted to explain the polis by the construction of a particular

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[20] Snodgrass 1977, 6; see also Snodgrass 1991, 2.

[21] Snodgrass 1977, 7.

[22] Snodgrass 1991, 2: "The former [i.e. historians] are no longer content to give . . . a theoretical reconstruction of the advent of the polis, set in some indefinite early period: they feel an obligation to offer some kind of account of the date, causation and means whereby the entity that they are concerned with came to being. To do so, they must venture back into periods where the written sources on their own are manifestly inadequate. So they have called in the archaeologists . . . These considerations all relate to one large area of the study of the polis, that of its origin and rise: this is indeed a topic where archaeology plays a major role." See also Snodgrass 1977, 7. Morris 1987, 1, announces his topic to be the "'Big Question' of the origin of those few pristine states which emerged without the influence of more advanced neighbours."

[23] Snodgrass 1991, 1.

[24] Ibid., 2.

[25] Davis 1997, 25–26.

form of abstraction known as "an ideal type," an analytic concept utilized by the great sociologist of the ancient city, Max Weber.[26] Analysis according to ideal type is open to the same criticism as other abstract treatments of the polis. It creates a picture of the polis both by drawing from the work of political philosophers and by collecting elements common to various poleis known to history. In his work Ehrenberg made use of certain categories: "'Land and Sea,' 'Tribe and Town,' 'The Gods,' 'Nobles and non-nobles,' and 'Forms of State.'"[27] Snodgrass believes that the new classical archaeology can act as a corrective to this kind of abstraction, that archaeology can add a more concrete, contemporaneous evidence pertinent to each of Ehrenberg's categories (with exception of the last) so as to contribute to a real social history of the development of the polis.[28] A primary goal of such a history is to develop an account of what Snodgrass has called "the polis idea:"[29] not as a philosophical abstraction, but as a history of real social factors, concretely supported by contemporary, albeit archaeological evidence.

The polis, as its portrait will emerge from the canvass of archaeology, was the greatest achievement and in many ways the form and summation of all the achievements of Archaic Greece.[30] In its broadest sense, it was the foundation of the genius of that age, and it set the stage for the great achievements of the Classical Age. The polis was the final form of a gradual re-creation of the religious, social, and political relationships of a new living civilization arising out of and filling the void left by the collapse of the Mycenaean world. The dark age which followed this collapse was so profound that it is necessary to regard the renewal of the civilized structures which emerged in the Archaic Age as something radical, revolutionary, and completely new.[31] The form and end of this revolution was the polis.

Within the context of this development arose the problems of the participation in and the distribution of the goods of civilized life: leadership, citizenship, land ownership, wealth, and the like. In short,

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[26] Ehrenberg 1969, xi.

[27] Snodgrass 1991, 3.

[28] Ibid.

[29] Ibid., 18.

[30] Ehrenberg 1950, 515, Finley 1971, 71, Vernant, 49, Snodgrass 1980, 31, Morris 1987, 1; for the opinion that the Hellenic polis is unique even compared to Semitic predecessors, see, again, Ehrenberg 1950, 515.

[31] Snodgrass 1980, 19 & 31.

within this context arose the problem of justice. The radical nature of these new civilized structures redefined the nature of the relationships of people to each other and to the state, and therefore defined anew the nature of political justice. This development and the direction it was taking by the end of the seventh century cannot therefore but have affected Solon's particular understanding of justice.

Solon's life crosses the boundary between the seventh and sixth centuries of archaic Athens, and the first quarter of the sixth century contained the high point of his pragmatic and intellectual achievements. Chapters I and II have made clear the difficulties of constructing a conventional history of Solon and of interpreting his own poems with reference to the external realities that drove his work and formed his mind. Nevertheless it is certain that he was a man of the polis in every way: born and educated in its bosom, he became one of its greatest citizens and ultimately became its champion in Athens at a time of critical change. Difficulties with the historical record aside, there is little doubt that the defining work of Solon's life put him in intimate contact with the formative realities of the Athenian polis, an entity fomenting in crisis from its very core. Moreover it is certain that Solon created in his political poetry a record of his attempts to understand the nature of this crisis and the factors causing it, a record in which the idea of δίκη (dike) is writ large.

Two factors, then, link the question of Solon with the potentialities of the new classical archaeology. First, the historical record for the period covering the development of the polis up to Solon's time is minimal. Second, Solon's great work made it necessary for him to confront and attempt to understand the intricacies of the human relationships which gave tangible form to the Athenian polis of his day. Therefore the work of the new classical archaeology on the polis, especially as it is able to illuminate sixth century Athens, provides the best opportunity to re-construct a concrete context for Solon's internal reflections. This knowledge of the polis is the link between the constructions of Solon's political poetry and the circumstances giving rise to his political work. Thus it will provide a grounded basis for understanding Solon's political ideas, especially the important idea of dike. The goal of this chapter, then, is to articulate the idea of the polis resulting from the researches of the new classical archaeology as a basis for interpreting the political poems of Solon.

There is, however, an interesting objection to the interpretative method proposed: the Greeks knew nothing of the rise of the polis; therefore, this knowledge is irrelevant to Solon's own understanding of his work. The origins of the polis are lost in the opaqueness of prehistory, and its evolution moved at that mysterious level of incremental social progression which requires generations of time.[32] The Greeks of the fifth and fourth centuries, while aware of the unique nature of the polis in relation to the contemporary world, were ignorant of its origins and development.[33] They had only a vague and romantic recollection of their Mycenaean past. They would not have recognized linear B nor realized that protogeometric pottery was the work of their ancestors.[34] They also had no collective recollection of the Dark Age (1050–750), nor did they understand the deep discontinuity between the palatial civilization of an Agamemnon and the structures of the Archaic Age.[35] Thus Aristotle's historical reflections on the polis do not even reach back to a period much older than Solon, and he certainly had no idea of the real nature of Mycenaean civilization.[36] He along with all Greek historians before and after him would have been profoundly surprised by modern archaeology's knowledge of the sub-Mycenaean (1225–1050), the protogeometric (1050–900), the geometric (900–700), and the early archaic periods (750–500).[37] Therefore Solon himself would have known nothing of what new classical archaeology has revealed to modern students, and this new knowledge cannot in turn provide objective referents for his poetry.

A proper response begins with the point that the social realities of the polis as they obtained in sixth century Athens certainly influenced

[32] Coldstream 1984, 7; R. Parker in *Athenian Religion, A History* (Oxford 1996) (warning that "any attempt to treat the 'birth of the polis' as a datable occurrence is in danger of compacting a long history into too short a space"); Davis 1997, 26. See also Snodgrass 1985, 47, holding that there is no evidence that the Greeks of the eighth century were aware of the contemporary formative developments of the polis.

[33] Finley 1970, 71 and Snodgrass 1986, 47.

[34] Finley 1970, 72.

[35] Ibid., 71 and Snodgrass 1971, 1–2; but for the minority view of a recognizable continuity between Mycenaen culture and the world of the polis see Snodgrass, 1984, reviewing Henre van Effenterre's, *La Cité greque. Des origines à la défaite de Marathon*, [Paris, 1985]; cf. also de Polignac 1996, 8.

[36] Coldstream 1984, 7–8.

[37] Morris 1987, 11.

Solon, even if unconsciously. It is necessary to concede that there is no access to Solon's direct formulation of his reaction to these realities. The poems are not precise works of political philosophy, but require interpretation from an external standard. To use them to measure Solon's knowledge of the polis such as it was in his day involves internal circularity. The archaeological account provides the best independent knowledge of the polis idea from the only available contemporary evidence. To the extent that the methods of the new classical archaeology generate a true knowledge of the polis, the modern student will, in the only way that is possible, be looking at the same realities that Solon himself experienced. Although the convergence may not be perfect, it is the best hope available of bringing some objectivity to an interpretation of Solon's political poems.

Section 1: *Political Tendencies*

From the perspective of new classical archaeology, the Greek world of the eighth century was the seat of stunning changes in the orientation and structure of society.[38] In one sense the effect of this change was panhellenic, flowering into the polis society of Archaic Greece.[39] There existed among the Greek peoples of the Archaic Age a wide-spread and dominant movement toward the polis form of social organization,[40] and the new classical archaeologists have been attempting to isolate the essential and common features of the polis as it took shape and developed during these formative stages. The goal of this kind of examination is, indeed, the construction of a kind of abstraction, but one which differs from the 'Weberian ideal type' that Snodgrass criticized. It is not a philosophic construct drawn from observations of the mature polis as it existed in the

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[38] Snodgrass 1980, 18 and 49. Chapter two of his book *Archaic Greece* is called, "Structural Revolution: the Human Factor," chapter three is called, "Structural Revolution: the Material Evidence." Both attempt to demonstrate the remarkable rebirth of Greece in the eighth century.

[39] Ibid., 49: "The remarkable developments of the eighth century in Greece, it is true, seem almost to be centered round an abstract idea: the new conception of the state."

[40] Morris 1991, 26: "What, then, was the rise of the polis? . . . I have argued that its historical importance is that it was a revolution in social structure, a complete transformation in the way people saw the world around them."

fourth century but more a sociological model drawn from the material evidence contemporary with the evolution of the form. It is in this sense that the archaeologists claim to observe the essence of the polis directly in the material record.[41] In another sense the sweeping changes were diverse, resulting in an "enormous number of concrete poleis each with their own particular form."[42] Knowledge of the particulars is no doubt important, but the purpose here is to pursue the more universal polis idea. Of particular interest is the polis idea in sixth century Athens, since this was the polis of Solon.

The archaeological view of the Greek world preceding the period of the development of the polis begins with the collapse of Mycenaean culture. By the ninth century the material record shows no signs of the structures of palatial civilization.[43] The collapse of the Mycenaean civilization was so profound that Snodgrass describes it as an "obliteration" of the old world,[44] a "total interruption" of processes which had been developing from Neolithic times up to its final stages in the Mycenaean town.[45] During the subsequent Dark Age the entire Aegean region was depopulated "on an almost unimaginable scale."[46] The evidence of field surveys and cemetery excavations, conservatively interpreted, indicate a decrease in population between the thirteenth and tenth centuries on the order of two-thirds the original sub-Mycenaean levels.[47] This condition was at once the effect of the dim conditions following the destruction of Mycenae and the cause of continuing darkness.

The early Iron Age has left material indications which are to be described as modest when compared to the material remains of the

[41] Morris 1987, 7: "My proposition is that the emergence of the citizen state, the essence of the polis, can be directly observed in the archaeological record, and can be pinpointed in the eighth century B.C."

[42] Ehrenberg 1937, 147.

[43] Snodgrass 1980, 15.

[44] Ibid., 18.

[45] Ibid., 30–31.

[46] Ibid., 20.

[47] Morris 1997, 100: "By 1100 B.C., the population may have been reduced by two-thirds." Snodgrass 1980, 18–20 and 1977, 14–15, had calculated the decrease to be more on the order of seven-eighths of Mycenaean levels, but seems to have accepted the more conservative interpretation. For a site-specific count, Snodgrass 1980, 18, calculated the population of Lefkandi in Euboea to be 25 at the beginning of the ninth century; but see Morris 1991, 33, noting that there continues to be sharp debate on this issue.

late Bronze Age and the subsequent Archaic Age.[48] The results of some fifteen or twenty years of intensive survey work in various parts of Greece have shown that settlement sites in this period were few, sparsely populated, and most of short-lived occupation.[49] The settlements that existed were relatively nucleated, and the failure of field surveys to find evidence of other sites confirms that this was an age of sparsely populated concentrated settlements.[50] There are exceptions like Athens, Argos, Corinth, and Thebes, which show a more wide-spread pattern of settlement, but these sites were probably in existence from before the Iron Age.[51] Nevertheless the clear inference from the archaeological record is that the overall population of the region was very small, e.g. nucleated groups of 500 people, that these settlements were few, and that wide tracts of uninhabited land divided them.[52] From this meager world of the Dark Age,[53] new classical archaeology looks for the causes of the feverish new activity of the eighth century which led to the formation of the polis society of Archaic Greece.

One factor of influence, ignored by neither the historian nor the archaeologist, is the peculiar limiting features of the geography of the region where the polis society would take hold.[54] This area

[48] Snodgrass 1993, 35.
[49] Ibid., 36.
[50] Ibid., 37.
[51] Ibid.
[52] Ibid.
[53] Presenting a different and minority view of the Dark Age, Ian Morris interprets the material record more liberally. He sees a more gradual transition from the Dark Age to the world of the polis. He holds that the fall of Mycenaean culture was not a complete collapse and that substantial nucleated settlements remained with sufficient population to support reasonably complex social structures (Morris 1991, 27). He downplays evidence of depopulation pointing to wide margins of error in grave calculations (ibid., 29). He points to evidence at Athens, Knossos, and Argos for settlements occupying areas of 200, 100, and 50 hectares, respectively, suggesting that these areas constituted single communities, rather than clusters of separate villages. He finds population evidence to support "that the largest Dark Age communities certainly never dropped below 500 members, and probably never below 1,000 or even 2,000" (ibid., 42). Using his population findings, he appeals to anthropological authority which suggests that groups of this size tend to show specialized organization consistent with state formation (ibid., 41–42). For him, then, the leap from Dark Age to statehood was not a "leap into complexity" but "quite a small step" (ibid., 41, 43).
[54] Ehrenberg, 1969, 3. "Geography and history stand to one another in a relation of mutual influence." Morris 1997, 94, in a piece called, "An Archaeology of Equalities: The Greek City-State," examines the "natural environment" of Greece as the first of various other, mainly, archaeological factors.

includes not only the Balkan peninsula, but also the islands of the Aegean and the coast of Asia Minor, for this circle of land and islands, with its center in the sea, becomes by the end of the Archaic Age the seat of hundreds of polis communities. This geographical area, although containing sections of two continents separated by the sea, forms a unity of sorts, because the intervening water is so thickly dotted with islands that one can readily envision a stepping path from one coast to the other. After the great migrations in the wake of the collapse of Mycenae, the Greeks of Athens could think of themselves as of one blood with the Greeks of Miletus, and the Ionians could look to the Greeks of the mainland for assistance against harassing foreigners from the East. The Aegean basin became the seat of one culture with enough distance and separation between the nodes of settlement to allow for significant diversity.

The geography of the landscape suited the development of separate, individual communities with a sense of natural boundary. Both the mainland and the islands were divided by the natural barriers of mountains and intruding arms of the sea into pockets of inhabitable enclaves. On the coasts of Asia minor similar natural boundaries curtailed the development of mega-settlements in a north west direction, and the presence of hostile foreign powers prevented such expansion to the east. The nature of these conditions may have exhibited some influence on the development of civic settlement in Archaic Greece, since advancement in that region could not mean control of vast territories. Ehrenberg, at any rate, felt that there was some connection between the physical limitations of the geography and the political consciousness of the people of the polis:

> This [restrictive geography] among other things forced the political units to renounce expansion and led to a swift and complete seizure of the space available and to the early development of numerous political bodies. Painfully recoiling from its narrow boundaries and concentrated on itself, the state preserved a unity which displayed the features of a human community rather than of a political organization. The narrow space, admitting of little variation, produced a marked unification of the civic type and a very distinct political consciousness, limited though it was by its small scale. Neither power nor expansion could be the true aim of the growing state, but from the narrowness of space sprang high tensions that stimulated the creativeness of the community.[55]

[55] Ehrenberg 1969, 4.

Another important consideration has been the demographics of this geographic region. Given the level of depopulation in the Dark Age, the critical mass required to generate motion in the direction of civilization simply did not exist. Under such conditions the only impetus of organized human activity is survival. Nearly as remarkable as this depopulation, however, was the subsequent increase in population in the eighth century. Snodgrass was among the first archaeologists to call attention to and attempt to measure the increase. He adduced evidence of expanding numbers in mainland Greece, especially Attica and the Argolid, and comparable results for Ionia, beginning in around 800. Following upon sub-Mycenaean depopulation such an increase in population was both a precondition to movement away from a mere subsistent level of human activity and a sign of significant change in political organization. The social and semi-political structure of the Dark Age settlements could not have survived the increase in population without compensating change. The new momentum of growth allowed the aspirations of people to rise from attention to mere survival to considerations of greater forms of civilized life.[56]

The analysis of the remains of Geometric pottery also indicates a developing complexity in social organization during the eighth

[56] Based on calculations from cemetery sights in Attica, 434 samples, Snodgrass 1980, 23, found a seven fold increase in population from 780–720. He found similar results from burials in Argos and in the surrounding towns although taking in only 182 samples (ibid.). As for Ionia, Snodgrass recognized the possibility that other factors could have operated to begin an increase in population before the beginning of the eighth century, but still concludes that the increase in population at the start of the eighth century would have been more dramatic (ibid.). Some have objected to Snodgrass's calculations; see, e.g. Morris 1991, 28 and 1987, 72–73. Snodgrass, himself, has backed away from the seven-fold increase which he first postulated, admitting that the calculation was "too simplistic," failing to take into account certain disqualifications for burial such as age, sex, and status in society, which might render a portion of the population invisible to the archaeology of cemeteries (1993, 32 and 1991, 15–16). Mention should also be made of the aspidal building found at the site of Lefkandi, which is tentatively identified as a *heroön*. The building is large and early, dated to around 800. The labor force necessary to have constructed such a building throws some doubt on the hypothesized low level of population, at least in Euboea. (See, Coldstream, 1984, 11.) Nevertheless, "a sudden leap into complexity," which would included a significant increase in population remains a majority view (Morris 1991, 41). Snodgrass 1993, 31–32, holds "that even after every reasonable adjustment has been made for such distorting factors, present evidence still suggests that there were more people, living in a larger number of settlements, of a larger average size, and spread over a wider geographical area, in the later eighth century than at any time in the preceding four centuries.

century consistent with the implications of the demographic analysis. Geometric pottery has been said to exhibit a self-sufficient style, true to its own laws, possessing, at its best, an architectural beauty, where shape and decoration coalesced in complete unity.[57] The best examples of the Geometric style are specimens datable to around 750, and the style of these pieces indicates a reawakening as Greece began to move toward higher levels of social and political sophistication. Thus J.N. Coldstream says:

> The vigour of a rising civilization is now more than ever apparent in the abundance, richness, and variety of the material. In every part of Greece, the massive quantity of Late Geometric pottery indicates a substantial rise in the population.[58]

The flourishing of this individual talent is occurring within the context of a new and developing political structure based on close, self-sufficient communities of people. The general analysis of the patterns of the distribution of geometric pottery confirms an increase in communication among peoples and advancements in the structures of civic organization. It indicates at the same time a movement in the direction of community-based regionalism. The coalescence of these points creates a paradox which has its resolution in the position that the polis idea was becoming the dominant socio-political structure of the day. In the Mycenaean period, where communication was wide-spread and unimpeded, there resulted such a uniformity in the Mycenaean style in pottery that it was found everywhere in Greece and widely traded in inter-Aegean commerce.[59] During the Dark Age, after the dissolution of Mycenaean uniformity, the complete absence of any uniformity in pottery style is striking and comports with the assessment of the age as one of minimal communication and small settlements collapsing upon themselves.[60] By the middle of the eighth century communications were at their best since the flourishing of Mycenaean civilization,[61] yet instead of witnessing an

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[57] Coldstream 1968, 1.
[58] Ibid., 360.
[59] Coldstream 1984, 12.
[60] Coldstream 1968, 342.
[61] Ibid., 357. The material evidence shows an increase in commerce between the Greek world and that of the Levant—Greek pottery shows up at Al Mina around 800 (Finley 1970, 80). There is a return of literacy and the beginning of colonization with the expeditions to the West—Pithekoussai on Ischia planted by Chalkis-Eretria no later than 750 (Snodgrass 1980, 40).

increase in a uniformity of style, such as existed in the Mycenaean period, the exact opposite occurs. The material record shows an extreme regionalism, with many settlements producing their own local style. Two things are to be seen in this phenomenon: the primacy of community and the flourishing of the individual in the context of community. At the beginning of the Dark Age, extreme but impoverished regionalism in the material record indicates an isolation of enclaves struggling for mere material subsistence. In the mid-eighth century, during a period of increasing material prosperity, extreme regionalism indicates the rebirth of civilization on a new pattern that is not tied to the overarching hegemony of one power but which shows the rich and growing self-sufficiency of local communities. Secondly, these communities are nurturing the work and success of individual artists who are producing the high art of late geometric pots. Coldstream describes the period between 750–700 saying:

> In the later part of the eight century, we witness a sudden movement away from uniformity, towards the emergence of at least twelve regional schools of pottery. In earlier times, a single ceramic style may spread through trade and good communications; but now, in spite of even better communications, there is a greater diversity than had ever been seen before. Clearly, some powerful new centrifugal force was at work. Now we cannot safely argue from pots to politics, or claim that the regional styles by themselves prove that the polis had arrived. But how else can we explain this unprecedented combination of reviving prosperity and extreme diversity, except by assuming a growing pride in local tradition which would be quite consistent with the birth of the polis?[62]

Coldstream's analysis is consistent with descriptions of this same period based on more anthropological accounts. One example is C. Starr's position that the proper model for the polis is formation by consensus as opposed to suppression by powerful groups. The operative principle is one of cooperation among members of the group within the developing social structures providing a state form consistent with Aristotle's description of the polis as κοινωνία πολιτῶν πολιτείας (Aris.*Pol.* 1276b2) or "a partnership of citizens in a

[62] Coldstream 1984, 12. Coldstream says elsewhere with somewhat less hesitation that "the years 750–700 saw a growing pride in local craftsmanship, which may well reflect a deeper awareness of the city-state as a self-sufficient political unit." (1968, 335.)

government."[63] At the same time Starr recognizes the progress of the polis as the intensification of unity counterbalanced by a tendency toward individuality among aristocratic groups.[64] Starr sees these characteristics as foundations of the polis form, distinguishing the eruption of class conflict between the aristocracy and the demos as a pathology arising after the consolidation of the polis as the normative political structure.

The territorial aspect of the growing complexity of society must have included joinder of smaller settlements, the so-called synoecism of the classical writers,[65] and change toward a new framework for the newly developing political conditions. Some of these joinders were probably physical, others more notional. Snodgrass describes the process drawing upon the same kind of pottery evidence as Coldstream used to describe a more general development of the complexity of society:

> As the scattered settlements grew and multiplied, the geographical 'regions' of which we have so often spoken were divided into units on a new scale, the *poleis* with their surrounding territory, small or large. These new states were rapidly in touch both with each other and with those of other regions. And yet, as later events show, the regional grouping of these states, first roughly detectable in the local pottery-styles of Protogeometric times, was always to remain an overriding force. Sometimes as in Attica, a whole region coalesced into a single state; sometimes one city achieved a lasting domination of its smaller neighbours in the region, as at different times did Thebes and Argos, while with Sparta these processes were carried much further, and indeed already in the eighth century led on to the conquest of a neighbouring region, Messenia.[66]

All original synoecisms must have had some such physical aspect,[67] but, just as important, there must have been some concomitant political and psychological aspect as well. The inhabitants of the several villages must have seen sufficient advantage in releasing autonomy,

[63] Rackham, 185.

[64] For these points see Starr 1986, 45–46 and 52.

[65] Cf. the well-known passage in Thucydides (II.15) on the synoecism of Athens. Snodgrass 1980, 34, calls synoecims one classical model of polis formation, but complains that the term is "irritatingly ambiguous . . . in Greek usage," covering everything from "notional acceptance of a single political centre by a group of townships and villages, to the physical migration of a people to a new political centre."

[66] Snodgrass 1971, 419.

[67] Hansen 1995, 56.

in whatever measure it was possessed, to come under the aegis of one dominant political center.

Related to the notions of population growth and physical territory is the rise in agricultural activities. This is another visible element from the material record which indicates a new flourishing in the eighth century. According to standard demographic theory an increase in population is never a primary cause of social and political change, but is, at first, the effect of some other underlying change and then, under the weight of its own momentum, a contributing cause of further change.[68] One such cause is thought to be a return to stable agrarian conditions and a concentration of the efforts of a community on arable farming.[69] Archaeological evidence of a return to stable farming conditions in Attica exists which is consistent with this theory. Archaeologists have found graves sites dated to around 850 containing terra-cotta granaries of a new kind suggesting the burial of agricultural land owners, and thus, by inference, the beginning of a permanent form of farming toward the end of the Dark Age.[70] The hundred year period between this burial evidence and the middle of the eighth century jibes with the hypothesis of the demographic theory, allowing appropriate time for the agrarian revolution to have effected the increase in population postulated. Agriculture accounted for the vast majority of economic activity of the period.[71] Industrial specialization was not wide spread in the early classical period, let alone in the Archaic Age,[72] and market exchange was a negligible factor in Greek life before the fifth century.[73] Therefore development of Archaic Greece into an agrarian society lies behind various other elements that contributed to the emergence and solidification of the polis idea: 1) the unification of town and country, 2) religion as a force of egalitarian modes of participation

[68] Snodgrass 1993, 32.

[69] Snodgrass 1977, 7 and 13 (citing Malthus, *An Essay on the Principle of Population*, [London, 1958] and E.A. Wrigley, *Population and History*, [London, 1969]). See also de Polignac 1995, 5, who says, citing Snodgrass: "One hypothesis advanced to explain this [increase in population in the eighth century] is that agricultural practices changed . . . to more intensive agricultural methods." See also Snodgrass 1980, 37: "There was surely a close connection between the political phenomenon of the advent of the polis and the economic one of the switch to arable farming."

[70] Snodgrass 1977, 15.

[71] Snodgrass 1980, 129.

[72] Starr 1977, 79–80.

[73] Morris 1991, 36.

in the life of the polis, and 3) the development of the ownership of land as a basis of a more formal kind of citizenship.

The growth of population during the Archaic Age makes the very idea of town and country viable. In the less populous Dark Age the Greeks lived semi-nomadically or in hamlets or small villages, scattered sparsely throughout the entire geographical region which would later become the seat of the polis states.[74] The direction of development was toward a stabilization of these settlements as the inhabitants turned to cultivating the fields surrounding their residential clusters.[75] Indeed the evidence as a whole, including the archaeological data, indicates that this newly emerging society was predominantly agrarian.[76] Consistent with this evidence is Weber's view of the polis as a unity of town and country,[77] which was introduced to classical scholars by Finley and has gained very wide acceptance. In this view the polis was a nucleated cluster, i.e. the town or urban center,[78] surrounded by an agricultural hinterland which supported the central residential settlement. There were no significant economic

[74] Snodgrass 1971, 368 (describing the material evidence for scattered and demoralized settlements in the eleventh and tenth centuries) and 381 (protogeometric settlement sites are very few in number and the ones existing show no stone construction). See, also, Donlan 1985, 301: "Dark Age Greece was a backwater of small, unfortified villages, made up of very small (one- or two-room) detached houses. Since few of the habitation sites uncovered by archaeologists can be dated before about 900 B.C., we know that the earlier Dark Age settlements were even fewer, ruder, smaller, and more widely scattered."

[75] Snodgrass 1990, 126: "Everything that we know about Greek society, ancient and modern, suggests that the amenities of living in a town or village would be rated far too highly to be sacrificed merely in order to save oneself a ten- or fifteen-minute walk to one's land." Snodgrass 1991, 12 (Thespiae from geometric times up to the seventh century shows a relatively nucleated population) and 14 (Athens, by way of exception, shows during the eighth century a proliferation of new sites in the countryside with an accompanying concentration of occupation in Athens itself).

[76] Snodgrass 1980, 131. While agriculture was the predominant activity of the Archaic Age, Snodgrass notes that the production of arms for warfare and of devotionals for religious rites also played a part in the archaic economy.

[77] Snodgrass 1990, 113–114: "Thus in the present case, it was first left to non-Classical scholars—most notably, the sociologist Max Weber—to draw attention to the degree of dependence of the ancient city on agriculture."

[78] See Snodgrass 1971, 423, on the town as urban center connected with its supporting hinterland: "It is, however, the domestic and utilitarian architecture which most clearly shows how times were changing . . . In the later eighth century genuine town-sites, with grouped houses of rectilinear plan, quite suddenly become common." For our purposes the technical difference between a true urban center like Athens and the cohesion of several villages like Sparta is not relevant. Both

divisions between the town and the country (especially at the early stages of the polis where agriculture was the predominant activity). In this view, the essential unity between town and country was at the very heart of the social and civic realities of the polis.[79] The Greeks of the polis were people of the 'city' in the sense that they lived in or near the town and farmed parcels in the surrounding countryside, which they owned but on which they did not reside; these two aspects of life were not separate, but formed the polis. [80] Although the unity of town and country is a description of the polis stemming from sociological conceptions, it does comport with the understanding of the emerging polis suggested by archaeological considerations. Archaeological data supports population increase, the rise of agriculture, nucleated settlements, and interchange between such urban centers and the surrounding settlements.

Wider than the ideal of town-country unity and no less significant is the notion of territoriality of which Snodgrass says:

"centers" are conurbations and distinct from the surrounding agricultural hinterland in location and function. The town was the place of the governmental functions of the state and the country was the place of the cultivation of subsistence crops. Sparta, as well as Athens, was a nucleated conurbation which was the 'town'-center of the polis. This is why Thucydides, who recognized urban living as the characteristic mark of polis life, never hesitated to call Sparta a polis (Hansen 1995, 57). See also de Polignac 1995, 21 (towns including Sparta and Athens had a disorganized air even after they indisputably had attained a true urban character).

[79] Finley 1981, 1 (the agrarian population lived in villages, towns, not isolated farm homesteads), 5 (the city without a territory was rare; the city of Athens was conceptually and physically distinct from the city-state of Athens), 13 (the Greek city was a consumption city relying not on its own product, but on the product of its hinterland for maintenance) and 17 (the peasant was an integral element in the ancient as opposed to the medieval city). As for archaeological evidence of town-country unity note the laboratory analysis of the clay used in eighth-century pottery pieces from Anavyssos, to the south-west of Athens: the pots were constructed locally, despite artistic design and sophistication which would have classified them as metropolitan ware. Furthermore, pieces made in Anavyssos were found in Athens as well. At least one inference from these results is that there was repeated interaction between the country and the city of sufficient frequency that the country craftsmen learned to produce pottery of the same quality and style as the city. Snodgrass 1977, 19–20. See also ibid., 18: "In a successful polis, town and country were equal and complementary partners in the state. It is the failure to match this achievement which has bedeviled almost all advanced cultures before and since, including our own."

[80] The orthodox view is that people resided in the urban center and commuted to their freehold farm parcels in the hinterland (Snodgrass 1990, 126). However, the results of the Cambridge/Bradford Boeotian Expedition raises possible challenges. Intensive surveys of the Boeotian territory, "ranging from the centres of

> A distinctive new feature of the *polis* organisation was its *territoriality*. The notion of territorial boundaries, the idea that any part of the inhabited space must belong either to one community or to its neighbor must, it seems, have arisen freshly in the course of the eighth century B.C. in Greece. No such understanding can have prevailed in the preceding period, were communities were seldom close enough for their concerns to abut on each other in this way.[81]

There are important questions implied in this idea: What were the limits of the polis, geographically and politically? What was the relationship between the center of government and the remotest peasant farm? What was the nature of the individual's participation in the new and developing unity of the polis, the unity of town and country? One avenue of insight into these questions lies in a consideration of the resurgence of a new religious force indicated by the emergence, concomitantly with the new polis society, of sacred buildings in the urban centers and the hinterlands.

The eighth century witnessed the revival of religious worship manifested by a proliferation in the construction of sacred spaces of a new and revolutionary kind. The Greeks were beginning to build and dedicate temples and sanctuaries of a sort unknown to the Mycenaean or the Dark Age past. These sacred buildings were, for the first time, specifically and solely devoted to religious use, dedicated to the worship of the god of the space and used for no other purpose.[82] Among these new sacred spaces were the urban temples

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cities to the boarders of their territories" show a dense distribution of small rural sites, all "within a relatively short distance of the major city-cites (Snodgrass 1990, 119, 125). The sites are located by broken artifacts such as roof-tiles, cooking ware, and the like (ibid., 125). Snodgrass argues that agricultural manuring best explains the distribution. The debris artifacts were tossed on the manure stockpiled for fertilization. Therefore, the debris was spread with the manure, and the distribution is evidence of agricultural activities. See ibid., 123–124. These sites occur mainly from the later Archaic period onward; between 800–600 the survey shows only the sites of Thespiae, Askra, and three other outlying sites (ibid., 130). The density of the possible isolated farmsteads is greatest for the period 600–200 (ibid., 128). One interpretation for the later period is that the sites represent isolated farmsteads indicating that some citizens lived outside the nucleated settlements on their farms (ibid., 126, 127). Realizing the radical nature of the suggestion, Snodgrass also considers alternative explanations, such as occupancy by the slaves or bailiffs of the city-dwelling owners or the possibility of second homes (ibid., 127).

[81] Snodgrass 1993, 37 (emphasis in original).

[82] De Polignac 1995, 11. The archaeological evidence for this proliferation of new sanctuary sites consists of a large number of places where there are signs of regular votive deposits of a non perishable type; these places reveal no traces of former cult activities, not even of animal sacrifice, and should therefore be seen

dedicated to the city's patron deity, like the site on the acropolis in Athens, and a proliferation of extra-urban sanctuaries scattered throughout the hinterland of various poleis, like the Heraion of Argos.

These temples and sanctuaries marked a return to stone construction for the first time since before the Dark Age. They were undertakings of a grand scale and of a permanent nature. It was Snodgrass who first recognized the significance of monumental temples to the development of the polis.[83] The occurrence of sacred monumental construction shows two things of significance. The fabrication of these edifices required a sufficient level of centralized authority to direct and control the building operation and a labor force sufficient to the task which was willing to be directed by such an authority. Therefore, the occurrence of these buildings shows that already by the middle of the eighth century sufficient civic and political structures existed to accomplish a task of this magnitude. Even more importantly, the construction of these temples was fundamentally a religious act, deliberately undertaken by the community as a whole, by both the persons constituting the authoritative element and by the people subject to that authority. This shows that religion was a unifying force at the center of the life of the polis. Snodgrass himself sees the construction of urban temples dedicated to the polis's patron deity as more significant to the development of the polis than even urbanization:

> Fortification and urbanization, being neither necessary nor sufficient conditions for the advent of the polis, are poor criteria for its formation. Will any other serve better? A possible answer lies in the field of religion. Every Greek polis was, among other things, a religious association; its citizens accepted a community of cult, with a patron deity presiding over each state. To impose this regularity of worship was probably a difficult feat after the diversity of local practices which must have existed in the conditions of the dark age . . . A necessary element in such an official cult was a central city sanctuary—not necessarily a

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as sites newly dedicated to religious activities. These sites were dedicated solely to religious purposes, and this marks a departure in a new direction from Dark Age religious practices. While the evidence from the Dark Age is scant, contrast should be made to *Od.* 3.1–68 where the ritual worship of Poseidon required no special devotional and dedicated space, but was conducted in the open air of the shore. See de Polignac 1995, 16.

[83] See Coldstream 1984, 9 (Snodgrass's "Archaeology and the Rise of the Greek State" advanced the importance of monumental temples to considerations of the development of the polis).

> temple at first, but a sanctified place at which all could detect the deity's presence. An approximate indication of the establishment of such a cult will be given, first at the date of the earliest dedications on a site which can be identified as that of the patron god, and later by the construction of an actual temple. Both criteria prove to indicate that the same period, the eighth century B.C., was the critical one.[84]

In addition to the emergence of the centralized temple of the urban deity, archaeological records also reveal during this same time period the existence of extra-urban sanctuaries located at the edges of polis territory. These sanctuaries may even be somewhat older than the urban temples. The significance of these sanctuaries to the development of the polis ideal was brought to light by F. de Polignac who examined their role in unifying the territorial element of the polis with the urban center.[85] His view is that these sanctuaries marked the boundaries of the arable countryside and that their urban counterparts marked the urban town-center. Together they marked the polis as a kind of bipolar unity animated by religious practice and belief.

The extra-urban sanctuaries are often placed on the exact threshold of the territory controlled by the polis, marking the outer limits of the advance of agricultural cultivation of the polis territory.[86] The placement of these sanctuaries on the defining edge of the new polis territory indicates the emerging organizational axes of the polis. The placement of the sanctuary at the limit of the agricultural sector of the new community emphasizes that arable farming was a defining feature of the life of the participants in the community, an

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[84] Snodgrass 1980, 33.

[85] De Polignac's work *La Naissance de la cité grecque* (1984) which appeared in English as *Cults, Territory, and the Origins of the Greek City-State*, (1995), presents a new and original view of the origin of the polis which is at once compelling and controversial. As Claude Mossé, who wrote the foreword to the English version of de Polignac's book, says, "standard analysis of the origin of the polis had focused primarily on the development of political institutions and clan/kinship structures, but de Polignac broke away from that standard asserting that Athens was an exception to the normative development of the polis and that religious concerns were at the heart of the emergence of the social and political structures of the polis." One must note, however, that what Mossé introduced with an apologetic forward in 1991 is called a "classic analysis" in 1997 by J.K. Davis (1997, 35).

[86] The Heraion of Argos, for example, sat right on the plain of Argos, was visible from many points, and particularly so from the city whenever one would look to the east. Other examples are the sanctuary at Amyclae, the Poseidonion of the Isthmus which separated the Corinthian plain from Megara, and the sanctuary of Apollo at Didyma, marking the limits of Miletus. See de Polignac 1995, 33–34.

expression of one of the socializing forces that contributed to the unity of the new polis community. The territorial sanctuaries symbolized that the polis was a delimitation of order from chaos, the order of politics—urban center dedicated to the patron deity and country sanctuary defining the limits of cultivation—as opposed to the chaos of uncultivated nature, and that religion was an important constitutive principle of the political order. Outside the sanctuary there is no unity of town and country, no aggregation of people engaged in political life. Hence de Polignac states:

> The heavy demand for land at this time made it necessary for societies to strengthen their control over space . . . in order to ensure that the land involved would permanently be exploited for the exclusive benefit of those who continued to live there. The sanctuaries that appeared in the eighth century . . . were far more likely to be the product of preoccupations of this kind. Agrarian tension thus played its part in the shaping of a new concept of space that affirmed the common interest of all those who lived in it, first and foremost among them the holders of authority, whether they resided in the center of that space or on its periphery.
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> Now, once this solidarity took shape, first through the frequenting, then through the appropriation of a cult site that marked the boundary of the relevant space, an essential step had been taken toward the unification of the society's components into a single entity: namely, a city.[87]

[87] Ibid., 39–40. De Polignac sees much more in the symbolism of the extra-urban sanctuary than mentioned in the text. He expresses himself in that characteristically compelling, but somewhat whimsically romantic, manner of the *Centre de Recherches Comparées sur les Sociétés* and its inimitable patrons, Jean-Pierre Vernant and Pierre Vidal-Naquet. Thus the extra-urban sanctuary was a dividing line between "agrarian civilization and the neighboring domain of mountains and forests (or the sea)" (34). Inside the boundary of the sanctuary was a "state of order, the cyclic regularity of human life, which evolved at just the right distance from both nature in the wild and the gods," while outside it was a "state of disorder, in which the relations between beings of different kinds are characterized either by too great proximity or too great distancing" (35). Outside the symbolic boundary there are beings springing asexually from the earth, human promiscuity, and cannibalism, but inside there is "marriage and procreation, domestication of animals allowing the consumption of meat following institutionalized violence," namely the proper distance from promiscuity and cannibalism" (35). Outside the symbolic boundary of the sanctuary there is "noninstitutionalized violence, unmediated relations between men and god of the sort which end in forbidden visions and possessions" and unmediated relations between human beings of the sort which end in "misanthropy, misandry, misogyny, forms of uncontrolled aggression, anthropophagy and sexual violence," and unmediated relations between men and animals represented in hunting," but inside there is the preservation of society by civic values opposed to these various and sundry violences" (36). Indeed, Snodgrass seems correct when he says by way

The urban sanctuary of the polis's patron deity and the principle extra-urban sanctuaries of the polis's boundaries formed a bipolar model of unity,[88] which symbolized levels of inclusion in the participatory life of the polis. The urban temple, at one pole, represented the urban life of the polis, the centralized force of the political authority necessary to construct temples, sanctuaries, and sacred paths, and the exclusive citizenry of adult males who participated in the governmental life of the polis. The extra-urban sanctuary at the other pole, represented the common good of the agricultural life and the inclusive citizenry of all members of the polis. Religion, the life of symbol and ritual tied to the great monuments of the polis, was the medium of this bipolar unity.

The first element of this unity was expressed in the great ritual processions outward to these urban sanctuaries celebrated by nearly all poleis. The processions moved along actual pathways which were constructed from the center temple out from a hub, as it were, to the hinterland sanctuaries.[89] The second element was the inclusiveness of participation in the religious ceremonies associated with the extra-urban sanctuaries. The celebrations included people from all segments of the population of the polis and was not limited only to the adult male members of the strictly political citizenry. The deposits found at these sanctuaries were objects made exclusively for purposes of dedication with no concomitant practical use, such as figurines of domesticated animals and feminine objects like fibulae and pins too large for any practical use. The animal figurines represented the power over nature directed toward cultivation and represent petitions to the god for fertility of the field. The fibulae and pins represented petitions for fertility of the body in successful procreation.[90]

of praise that "it is simply impossible to imagine P.'s [book] having been written in any other language [but French]" (Snodgrass 1984, 262).

[88] De Polignac's bipolar model attributes much more significance to the importance of the extra-urban sanctuaries and moves radically away from the traditional model of focusing on the central temple of the patron deity in the formation and definition of the polis. In this view Athens becomes an exception to the norm of development for the polis.

[89] De Polignac 1995, 40, noted that the "solemn pathways" were material representations of the bipolar unity of the polis, forming the "axes of the civic territory," with such notable examples as the Hyacinthos Way in Lacedaemonia (Athenaeus 4.173) and the sacred way linking Miletus with the sanctuary of Apollo at Didyma, the discovery of which was published in 1991 (see de Polignac 1995, 40 n. 11 citing, Tuchelt, "Heiligtümer von Didyma" [1991]).

[90] De Polignac 1995, 26.

The extra-urban ritual was therefore a unifying invocation of the sanctuary's deity to bless and protect the two institutions of fertility—fertility of the field and of the body—that stood as the foundation stones of the common life of the polis. The ritual devotion to the god of the sanctuary was a sign that agriculture and marriage were at the center of the life of the polis. Here then we see the life of the polis which all inhabitants shared, namely the life of farming providing the sustenance of the polis and the life of marriage which was a fundamental institution of civic order. Recalling that the processions started from the urban temple of the patron deity, we see that the whole polis, town and country, was represented symbolically in the processional liturgy.[91]

The famous procession of the Heraia of Argos is a concrete instance of the inclusive, unifying ritual of the extra-urban sanctuary. The priestess of Hera was drawn in procession, from the city outward to the territorial sanctuary, in a farm cart pulled by oxen. The ox was a plow animal as well as a perfect victim for sacrifice, so that the procession from the principle political sanctuary of the town through the communal fields represented the collective plowing of the common fields. The ritual evoked protection over agricultural fertility and, because of Hera's role as the patron of childbirth, also protection over human fecundity.[92] Thus it sacramentalized arable farming and institutional marriage and constituted a formal acknowledgment of the participation of non-aristocratic male landowners and women in the life of the polis. Thus de Polignac says:

> The Greek city is frequently conceived in strictly institutional terms as a community of citizens with full rights, embodied by its sovereign assembly . . . Such an approach clearly rules out understanding the *polis* during the process of its formation . . . The remarkable development of the religious element in the Greek society of the late Geometric and early archaic period shows that the *polis* constituted the formal expression of a religious cohesion. Now they were all included in a single stable structure . . . The *polis* was thus based on a "religious citizenship" shared in varying degrees . . . by all inhabitants of the territory whose frontiers were established by the elite that assumed the function of leadership there.[93]

[91] Ibid., 42. Cf. Starr 1986, 41 who sees temples, probably the only public buildings in existence at the early stages of the polis, as a sign and emblem of communal unity.

[92] De Polignac 1995, 41–42. Hdt. 1.31 shows that Solon knew this Argive ritual.

[93] Ibid., 78–79.

The religious life of the polis was not separated from its public civic life.[94] There was a coincidence of the sacred and the political.[95] It is part of the very definition of the newness of the polis that it appropriated the hidden mysteries of religion, took them away from the specific purview of isolated priestly castes, and committed them to the openness of the public society of the agora.[96] The city made the cults of religion its own and baptized them into a public existence open to all; the practices of religion were not regarded as different from the other activities of civic life.[97]

The evolution of the extra-urban sanctuary throughout the Dark Age into a structure of territorial definition for the polis brings into focus a tension between ownership of small scale agricultural land and the solidification of an upper class elite, two elements central to the formation and continuing development of the polis. According to Snodgrass the predominant view among archaeologists, based upon a relative lack of rich objects in the material record, is that the Dark Age was relatively egalitarian with no significant differentiation of people into social classes.[98] The consequence of such a view is that polis formation in the early Archaic Age is to be seen as the resolution of struggles among newly formed groups vying for dominance in the social order.[99] De Polignac sees the development of rural sanc-

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[94] Cf. Snodgrass 1980, 62–63 who sees the religious life surrounding the sanctuary as affecting economic, political and military life of the whole polis: associated with the temple sanctuary there is the rise in craftsmanship for specialty dedications, the relation to agriculture from animal and grain offerings and the relation to military exploits from dedications of weapons. From all this evidence Snodgrass asserts, "that the activities of a Greek sanctuary, far from being a detached and spiritual sphere, were very close to the heart of all political, economic and military life" (64).

[95] Cf. Snodgrass 1980, 60, "There was no factor more important in the composition of the state than the devotion to the common cults."

[96] Vernant, 51–54, sees the polis's appropriation of public cult as another aspect of the transformation of all culture into the common culture of the polis, where in the openness of the society all ideas were subjected to debate through speech, which became the instrument *par excellence* of political life. The lessons on the gods became part of the *paideia* of the city and "occult formulae shed their mystery . . . to become the 'truths' debated by the sages in full view of the city." This process took time, coming to full fruition in the Classical Age, but one can see the beginnings of it in the inclusive effect of agrarian processions to the sanctuary of Hera in the Argive countryside.

[97] Thus sacrifices fixed the calendars, no assembly met without the taking of auspices, and auspices were taken by public officials of the polis and not by priests.

[98] Snodgrass 1993, 35.

[99] Ibid., 36.

tuaries as seats for just these kinds of struggles. The rural sanctuaries were originally meeting places for the local population. Occasions such as meetings, festivals, games, marriages, trade arrangements, and the like became opportunities for dominant elements in society to solidify networks of influence and secure positions of power.[100] The dedications at these sites were at first a form of "ritualized social competition" which represented at the level of cult the fluid condition of power groups struggling for dominance in the local region.[101] This religious activity was a ritualization at a local level of actual competition among inter-regional elites whose resources enabled them to travel to the great sites like Olympia to compete in athletic contests. The dedication of the rich and ostentatious tripod in commemoration of the victory indicates the growing level of the wealth and power of this emerging class. In their local regions their attention turned to political dominance.[102] For de Polignac a decisive change occurs in the eighth century when evidence of the appropriation of rural sanctuaries shows that certain local groups imposed their dominance over a region. In many places the appropriation took the form of building projects at the site, turning the former inter-regional openness of the rural sanctuary into a territorial boundary. The building of permanent structures represents the assimilation of the sanctuary to the sovereignty of the dominant group which "gave birth to the first form of state."[103] Concretely de Polignac adduces the Argive Heraion. Precisely because it was local and shared, the Argives appropriated it to display their rise to preeminence among competing regional groups.[104] The end of this process was the emergence of Argos, extending from the nucleated settlement to the Heraion.

The solidification of political power by the dominant group meant the incorporation of the people of the other local settlements within the newly defined territory of the polis, some of whom had been competitors in the contest for dominance. As Snodgrass notes the dominant group had to employ either force or negotiation. In cases like Athens, where negotiation was the likely process, Snodgrass sees

[100] De Polignac 1996, 11.
[101] Ibid.
[102] Ibid.
[103] Ibid., 13.
[104] Ibid.

the dominant group proposing incentives to its competitors to cement the new political union. Given the predominance of agriculture as the form of life of the Archaic Age, Snodgrass suggests that the allocation of land-allotments must have been a primary form of such incentive.[105] The acceptance of arable land as a condition of incorporation into the newly arisen polis would have been the basis for the developments which are visible in the archaeological record as the epiphenomena of polis formation: "rise in population" (due to increased agricultural activity), "the demarcation of state territory by such devices as the establishment of rural sanctuaries" (defining territorial sovereignty), and acceptance of "service in a citizen-army to defend the state's territory" (the army outfitted by resources derived from agricultural production and the territory defended including the farms of the sub-dominant groups).[106]

In this picture, then, the development of the rural sanctuary provided a focal point for the rise of political elite leading to the solidification of political sovereignty over a defined territory. The newly emerging elite secured participation in their sovereignty through the allocation of arable land. Within the development of the social life of the polis, the ritual life surrounding the extra-urban sanctuary mediated the interests of the various elements of the inhabitants of the territory, including the interests of agricultural land owners, in relation to the ruling elite. This ritual life defined levels of participation in the polis beyond governance by the segment of the population that rose to political dominance. The question of the extent and level of participation in the life of the polis, especially between the landed farmer and the governing elite, continued to be fundamental in the ongoing development of the polis idea.

Besides the record of offerings at the site of rural sanctuaries, the archaeological evidence also shows a rise during the middle of the eighth century in dedications at burial sites dating from the Mycenaean period and the rise of hero cults associated with the ancient, but mostly unknown, occupants of these tombs.[107] Scholars have also seen ties between this new activity and polis formation. One theory is Snodgrass's analysis connecting this new interest to land ownership.

[105] Snodgrass 1993, 38.
[106] Ibid.
[107] Snodgrass 1980, 38; cf. also de Polignac 1995, 128.

Snodgrass believes that a group's appropriation of an ancient burial site by the initiation and practice of cult rituals was a method of claiming ownership of the land surrounding the site. The claim was based on the ancient connection between the long-buried hero and the land in which he was interred. His argument is based upon three points: the general acknowledgment of the importance of land ownership in polis society, the recognition that a relationship with a past possessor of the land supports the claim of present possession,[108] and a recognition that evidence of hero cults have only been found in areas where a free peasantry existed—ownership was not a point for dispute among helot or other serf-like populations.[109] De Polignac summarizes Snodgrass's points as follows:

> So cults based on tombs, in many cases in a rural context, would have been set up as a way of legitimating claims to ownership of the land by communities or families of free peasants, at a time when property was becoming the basis for citizenship, a status that was gradually becoming more closely defined.[110]

The growing emphasis on the individual ownership of land becomes intelligible since it was the only significant medium of wealth and the only qualification for formal citizenship in the newly arisen polis; thus its fruitfulness was being rediscovered after centuries of neglect.[111] This new realization at once solidified the defining unity of the polis and presented the potentialities of disunity. The ownership of arable parcels supports territorial unity, the close connection between town and country, and the bipolar unity of temple and sanctuary separated by the fields of cultivation. However, individual control of land, being an aspect of individual power, introduced tensions pulling against communal unity. It made possible the development of a more

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[108] Thus Morris 1987, 53 states: "The notion of the Greeks using the tombs of ancestors to underpin the legitimacy of private property goes back to Fustel." Morris cites *Iliad* 14.113–14 (Diomedes defines his membership in an elite group of heroes by pointing to Tydeus's grave at Thebes where the contest defining the heroic group was fought); he also cites Demosthenes 43.57, Isaeus, 2.25.4 and Lysias, 12.96 as examples of legal claims to ownership supported by references to tombs or shrines on the disputed property.

[109] Thus evidence of hero cults are found in Attica, Boeotia, Phokis, and the Argolid, but not in Lakonia and Thessaly where we know there was an indentured serf population in the helots and penestai. See Snodgrass 1980, 38–39 and Sealey 1976, 110.

[110] De Polignac 1995, 140.

[111] Snodgrass 1980, 40.

clearly defined stratification of society which led to tension between one aristocratic group and another as well as between elite and non-elite. The development of stratification and rank during the period of the emergence of polis communities created constituencies competing for the same political benefits. The polis is indeed one form of resolution to the general problem of competition for the goods of society.[112] New classical archaeology attempts to find the signs of this resolution in the material record, and this is precisely the claim of Ian Morris's study *Burial and Ancient Society: the Rise of the Greek City-State*.[113] He argues that the polis resulted from and came to be defined by societal acceptance of the idea of citizenship based upon a koinonia or partnership between competing interests groups.

According to Morris, the burial evidence of numerous cemetery sites throughout Greece indicates a movement from struggle between competing classes to a resolution of the struggle by the formation of political community based on mutual acceptance of certain irreducible standards of membership. By the early Archaic Age the burial patterns show that there developed at least a minimal stratification between one generally more powerful group and another less powerful one, which Morris calls, respectively, the agathoi and the kakoi.[114] Morris includes in the agathoi landowners who fall into two groups: those who would be described in more traditional classifications as the aristocrats and others who, though non-aristocratic, still own their own land. He understands the kakoi to be those who may use, but who do not own the land.[115]

Morris's use of the terms agathoi and kakoi raises the issue of the existence and development of an aristocracy in the pre-polis period of the late to middle Dark Age. This is a sticky matter which requires a brief digression from the main argument. There is controversy among scholars over the level of the stratification of society in the aftermath of the fall of Mycenae but prior to the series of unprecedented leaps forward culminating in the formation of the polis.[116] This issue has created a division, generally speaking, between historians and archaeologists.

112 Snodgrass 1993, 36.
113 Morris 1987.
114 Morris 1997, 171; cf. Sol. 36.18 and Hammond, 1961, 90 translating τῷ κακῷ τε κἀγαθῷ therein as the "high born and low born."
115 Morris 1987, 174.
116 Snodgrass 1980, 121.

Historians relying on textual evidence, predominantly the Homeric epics, tend to draw a picture of a ranked society with aristocratic and non-aristocratic elements.[117] Rank indicates "a hierarchical ordering of individuals into positions of superordination and subordination."[118] Standard accounts of this sort are, for example, those of Forrest and Hignett who emphasize the devolution from monarchy to aristocracy where power was based on inherited ownership of land and where there was a social division between aristocrats owning large estates, peasant farmers owning small parcels, and a less privileged element who owned no land at all.[119] This account also emphasizes the evolution from more primitive kinship structures to the complex familial relations of the polis of the Classical Age, with such divisions as oikoi, phulai, phratrai and genê.[120]

Archaeologists, on the other hand, relying on the material record, tend to describe the Dark Age as an unstratified, unranked, egalitarian society. They focus on the complete nature of the collapse of civilized structure in the Dark Age, its deep separation from the Mycenaean past, and the universally modest conditions of the Dark Age indicated by the material record. They compare the Dark Age to "eras like Neolithic or Middle Helladic, when social stratification is widely held to have been absent or in abeyance."[121] Moreover, D. Roussel, "in his brilliant book, *Tribu et Cite*"[122] argued that no tribal order based on kinship ties existed in Dark Age Greece. Morris describes the conclusion of the work of Roussel and his school as follows:

> For long it was held that early Greece had an Indo-European 'tribal' structure, with Morgan-style gentile groups sharing property, and evolving into the State through the decline of the family. Many of the excesses of this view were quite rapidly shed, but the tribal myth, with an evolution from kinship to politics as the organising principle, on the lines of the blood-to-soil argument of classical evolutionist anthropology, has only recently been exploded. The supposed tribal survivals in the Classical poleis of the fifth and fourth centuries have been shown to have been absent in the seventh and sixth centuries, and not to

[117] Snodgrass 1993, 35.
[118] Morris 1987, 93.
[119] Forrest 1966, 45 ff; Hignett, 47 ff.
[120] Forrest 1966, 49, Manville 1997, 58.
[121] Snodgrass 1983, 35.
[122] Snodgrass 1980, 121.

> appear at all in the looser ethnos states, commonly assumed to have been less developed and hence more 'tribal.'[123]

In this view, familial aristocracies were rationally forged in the creative energy of the emerging polis. O. Murray in his article "Cities of Reason"[124] makes use of the Weberian notion of "rationalization" to explain what he sees as a fundamental feature of the Greek polis. The idea of rationalization refers to a self-conscious recognition of the reasons for change and the consequence of institutional reform.[125] The development of the complex familial structure associated with the solidification of the polis, did not, if one accepts Roussel's view, evolve gradually from pre-state tribal structures, and therefore represents "an exceptionally high degree of rationality, in the willingness to transform traditional institutions in the service of social and political reform."[126] From this application of the Weberian concept, Murray sees political activity as "basic to Greek society" and "its central organizing principle"[127] because the creation of this familial aristocratic structure in association with the development of the polis was a deliberate, rational act of social organization. According to Murray, "the polis as a rational form of political organization is the expression of the collective consciousness of the Greeks."[128] For Murray, then, the formation of the developed aristocracies, beginning in some places in the middle of the eighth century and in others somewhat later, is the result of the polis being essentially a "city of reason" wherein all order, intellectual, social, external, and internal, fundamentally reflects the rationally deliberate political order.[129]

Snodgrass identifies Morris as an archaeologist who agrees more with the historians in his view of the stratification of Dark Age society.[130] Morris says of his own view that the Dark Age "is closer to the aristocratic society suggested by historians such as Forrest and Finley."[131] He also rejects the majority view among archaeologists that polis formation was a leap into complexity exemplified by the

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[123] Morris 1987, 8.
[124] Murray 1990.
[125] Ibid., 16.
[126] Ibid.
[127] Ibid.
[128] Ibid.
[129] Ibid., 20.
[130] Snodgrass 1993, 35, 40 n. 11.
[131] Morris 1987, 183.

eighth-century changes discussed throughout this chapter.[132] He does not see a full collapse of Mycenaean structures, but an identifiable continuity into the Dark Age, exemplified by nucleated settlements of sufficient population to support, according to anthropological theorists, differentiation of society into ranks and the emergence of governing offices.[133] Therefore, in his view, the transition to statehood was a much more gradual and continuous process, a small step as opposed to a leap.[134]

Morris's analysis of the archaeological evidence of burials is based on class conflict between the agathoi and the kakoi. Class for Morris means a differentiation between groups with reference to a specific interest; the interest with which he is concerned in *Burial and Ancient Society* mainly pertains to land ownership.[135] Whether such a division of society obtained in earlier periods, it certainly was in place in later Archaic Age and is pertinent to an understanding of the polis idea. His purpose is not to specify the precise nature of the stratification of Dark Age society but to show that a specific intellectual and social revolution in the way that Greeks viewed the political order is identifiable in the archaeological record of burial. As such his work is quintessentially an example of the new classical archaeology and pertinent to the purpose and methodology of this chapter. This, then, brings us back to the main argument.

According to Morris the archaeological record shows that there was a general tension between the agathoi and the kakoi over participation in the benefits of organized social and political life which was suddenly resolved by the emergence of a koinonia between them with respect to their competing interests. This koinonia became a lasting solution to the problem and emerged into history as the polis. Thus Morris states:

> My argument here is that in the eighth century (and again in late seventh-century Attica) class groups formed over specific issues, struggled, and that the resolution of these struggles eventually produced a situation which in theory (and, I think, often in practice) should have [resulted in] bunched statuses (this time, *not* classes) of citizens and slaves. This was the origin of the polis."[136]

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[132] Morris 1991, 41.
[133] Ibid., 42.
[134] Ibid., 43.
[135] Ibid., 177.
[136] Ibid. (emphasis in the original).

The fundamental data of Morris's study are burial patterns known from various cemetery excavations in the geographic region where the polis took hold. The assumptions behind the interpretation of the data are: 1) land was the only form of wealth and power in the Greek world until well into the Archaic Age; 2) the agathoi were owners of landed estates; 3) part of the agathoi constituted a governing class and part was excluded from the governing class; 4) the kakoi were largely non land-owning poor, who stood to the agathoi in a relationship of dependency;[137] and 5) burial patterns reflected societal rank.[138] The burial data shows that from 1050 to 750 formal burial throughout Greece was reserved for the agathoi. No member of the kakoi was buried in the formal cemeteries, and this exclusive pattern persisted until 750. At that time an abrupt change took place and distinctions between agathoi and kakoi were no longer observed in formal burials. From 750 to at least 500 (this is as far as the published data go) agathoi and kakoi are buried together in formal cemeteries, and no distinction is observed between the groups for burial purposes. This phenomenon exists throughout Greece wherever the polis had taken hold: in Corinth around 775, in Argos, Athens, and Megara around 750;[139] they persisted everywhere, except at Athens, which shows a reversion to the exclusive pattern of formal burial for agathoi only from 700 onward.

The burial data for the period 1050 to 750 show cemetery population, combined with the number and size of burial plots along with the material prosperity of the graves, to be consistent with rank-exclusive burial patterns.[140] The number of persons buried in ceme-

[137] Morris 1987, 93 ff.

[138] Ibid., 46 ff, where Morris draws mainly on the textual evidence of Homer and the lyric poets including Callinus, Tyrtaeus, Archilochus, Semonides and Sappho to support the contention that the status of a person in life was reflected in the manner of his burial.

[139] Ibid. and Morris 1996, 24.

[140] The raw data are 1) the number of burials per cemetery, 2) the number of plots per cemetery, 3) the number of burials per plot, and 4) various groups buried, e.g. adults, subadults, children and the like. These data fluctuate during the period in question in a way that cannot be explained simply by assumptions about changes in the population of communities. The idea of burial in descent groups, with an added consideration of rank, accounts best for the data in Morris's view. The methods of calculations which Morris uses are extremely complex, employing, for example, normative assumptions concerning the rate of death in typical agricultural societies and the like. For his method and methodological assumptions see Morris 1987, chap. 2, *passim*; see also Section 2 in this chapter.

teries and the number of plots per cemetery are relatively small compared to estimates of the population for the cemetery region. Moreover, the funerary practices in general began to become more sumptuous from around 900. Morris explains this data by claiming that formal, archaeologically visible burial in the existing cemeteries was limited to those of rank, namely, to the agathoi.[141] In contrast to these conditions, during the period between 750–700 the cemetery sites and plots increased dramatically throughout Greece, and in this group of increased burials there was a greater number of undifferentiated graves. Together these data indicate the admission of the kakoi into burial sites previously limited to the agathoi. Thus in Argos at around 750 one finds a large substratum of poor pithos burials alongside richer cist graves and, by 700, the rule is the absence of all distinction in placement, in position, and in funerary accoutrements among graves, with the exception of one or two plots. Moreover, from 700 onward, all distinction between agathoi and kakoi in respect of formal burial was absent. Morris interprets this data to mean that, beginning in 750, the kakoi were admitted into cemeteries, which up to that time had been exclusive to the agathoi.[142] Similar patterns are found in Corinthian, Cretan, and Cycladic burial sites and also in the burial patterns of western colonies, which adopted the inclusive burial patterns described herein immediately upon their foundation. From 750–700 the burial patterns in Athenian sites show this same trend toward inclusive and undifferentiated burials, indicating that the Athenians were part of the wide-spread political movement prevalent elsewhere in Greece. However, as mentioned above, the inclusive pattern ceased in Athens at around 700 and there is evidence of regression to exclusive burial patterns.[143]

Morris interprets the burial data at several levels. At the literal level he contends that it shows the abandonment of distinction between the agathoi and the kakoi with respect, at least, to one of the privileges of rank, namely honor in burial. Morris takes this to mean

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[141] The data and detailed argument for the contentions related in the text are developed extensively in Morris 1987 chap. 5 and chap. 10, 173–83.

[142] Ibid., 183–84.

[143] Ibid., 186–88. It might be noted that the archaeological record also shows that the inclusive pattern of burial was found only later in certain sites like Samos and Thebes. This is not unexpected for a Boeotian site where the polis form developed rather late. The evidence for Samos suggests perhaps that the formation of the polis developed first on the mainland and later in the East.

that the kakoi received certain basic rights of citizenship in the polis. On a structural level the disappearance of burial distinction implies a new inclusive view of citizenship in the community. Given the assumption that land was a defining source of power, Morris contends that Finley's view of the rise of the peasantry to full citizenship in the polis completely accounts for the archaeological data. Finley holds that the kakoi were victorious in a struggle with the agathoi which resulted in the right to own their own land. Finley equated this right, as do many scholars, with citizenship in the polis.[144] The right to own land removed all formal distinction between the agathoi and the kakoi with respect to basic citizenship, even if there were still real differences in wealth, power, and actual influence. Morris accepts this analysis and interprets the disappearance of distinctions in burial sites as a record of the outcome of such a struggle in favor of the kakoi. On a philosophical level, the disappearance of burial distinctions indicates the emergence of a koinonia of the agathoi and the kakoi with reference to the basic privileges of the public order, the beginning of an equality based on the status only of membership in the polis.[145] On a historical level, the disappearance of distinctions in burial sites indicates that the polis structure appeared suddenly around 750 emerging out of a struggle between the agathoi and the kakoi which had persisted at some level during the Dark Age, and resolved itself into a social and political structure where the status of belonging to the community, of participating in the organized life particular to it, was not dependent on rank.[146] Morris states it as follows:

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[144] Ibid., 175 quoting Finley, *Ancient Slavery and Modern Ideology*, (London, 1980), 89–90.

[145] In his piece "The Strong Principle of Equality" (1996), Morris describes the political structure of the polis society of the Archaic Age in terms of the "principle of equal consideration," a notion borrowed from anthropology. The principle refers to a governmental system based on the belief that all member of the political body are sufficiently well qualified to participate in decision making processes (Morris 1996, 20). Morris argues that this principle developed in the Archaic Age as an animating feature of the polis and laid the groundwork for the emergence a more radical democracy in the late sixth century (ibid., 20–21). To the arguments drawn from the archaeology of burials Morris adds an interpretation of archaic poetry. He finds in this literature strands of an elitist tradition which does not represent the prevailing social structure of archaic polis society but a reactionary tradition which validates the dominant egalitarian tradition of the polis (ibid., 36).

[146] Morris 1987, 3.

> The truly remarkable aspect of the polis was the notion that the state should be autonomous from dominant class interests. The ancient political thinkers recognized that the citizen body was composed of very different but functionally interdependent groups, some of whom would inevitably be stronger and wealthier than others, but the mechanisms of the state itself were intended to be free from the control of any single element within the whole community. The ideal of the polis was almost a classless society, where the state and the citizens were identical, protecting one another's positions. The direct democracy as found in Classical Athens was possible only in a society where such a notion of the state was widely accepted.[147]

Morris's interpretation of burials is strengthened by the abrupt discontinuation at around 700 of the interment of grave goods, including arms, in many of the polis communities.[148] The phenomena was wide spread thus indicating "a new cohesion on the part of whole societies."[149] The discontinuation of the burial of personal armaments in particular indicates that this new cohesion marked an acceptance, especially by the upper classes, of the egalitarian principle of participation. Arms began to be seen as more valuable to the needs of the living than to the individual glorification of the deceased elite.[150] In Snodgrass's view this is a sign that the aristocracy was beginning to see itself, no longer as individual familial warriors, but possibly "as leaders of the new community in all its functions."[151] This evidence indicates that the interests of the community were becoming predominant and this supports Morris's argument for the rise of egalitarian principles of citizenship.

The socio-political change indicated by Morris's burial data was a deep and enduring change in the structure of Greek society. Undifferentiated burials dated to 750 are thus contemporaneous with the other changes which we have described as indicating the emergence of the polis, namely, an increase in population, monumental

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[147] Ibid., 217.
[148] Snodgrass 1980, 53 and 99.
[149] Snodgrass 1993, 32.
[150] Ibid. Note also Morris 1987, 189, who says that "some archaeologists argue that we can draw a distinction between 'individualizing' consumption of wealth in lavish single burials and its 'communalising' use in the construction of monuments emphasizing the group as a whole (e.g. Renfrew and Bradley)." Recall here also the discussion above of de Polignac's concept of the communalising effect of religious rituals associated with extra-urban sanctuaries, which would be occurring in this same time frame.
[151] Snodgrass 1980, 100.

construction, and the prevalence of regional diversity in a time of widening communications among Greek communities. The trend toward undifferentiated burials is therefore part of the overall new pattern of social and political relationships which was contributing to the formation of the polis. A further sign that the socio-political change represented by undifferentiated burials was radical in its nature is that these burial patterns persisted through the age of tyrants and were not affected by the multiple changes of governmental form caused by the rise and fall of the likes of a Pheidon or a Cypselus.[152]

The very radical nature of Morris's claim is perhaps best seen if we compare the implications of the burial data to the idea of hoplite reform. The primary evidence for the emergence of the hoplite citizen is archaeological.[153] Many scholars view the evolution of hoplite tactics and the hoplite phalanx as one of the most important developments of the Archaic Age and one of the changes most significant to solidification of the polis form.[154] The theory is that, because the hoplite phalanx was a superior technique of war, the aristocratic elites, who no longer could win battles by the old methods of one-on-one fighting, required the service of the hoplite infantry. This need gave the hoplite class a bargaining position from which to secure greater rights of citizenship.[155] Snodgrass puts it as follows: "Those who qualified [for hoplite service] would have a very strong counter-condition: it must be the state that they served, not an aris-

[152] The age of tyrants began in 688, if one considers Pheidon of Argos to be part of the group (Sealey 1976, 40). In Corinth Cypselus replaced the Bacchiadae oligarchy in 657, was succeeded by Periander, who was succeeded by Psammetichus who was assassinated in 582 and replaced by a new oligarchy. In Ambracia, after Psammetichus's brother was dethroned, a democracy was established. In Sycon Orthagoras became tyrant in 655; his dynasty lasted about 100 years when, upon the dethronement of Aeschines in 555, an oligarchy was restored. Theaganes was tyrant of Megara in the latter half of the seventh century. Upon his dethronement the government at Megara switched back and forth between oligarchy and democracy. See, generally, Hammond 1967, 147 ff. For the deep-seated nature of the polis structure, cf. Ehrenberg 1969, 45, who notes that "the existing constitution almost always formally continued . . . The tyrant stood, as it were, beside, not outside the Polis and its constitution."

[153] Snodgrass 1991, 18.

[154] Snodgrass 1986, 51. "The emergence of the Archaic heavy infantryman (hoplite) . . . stands close to the heart of the idea of the polis . . . The hoplite phalanx was the embodiment of the polis ideal translated into action."

[155] Recently the orthodox view of the importance of hoplite reform to the rise of the polis has been challenged. For a brief description of the debate see Appendix VI.

tocratic grouping and not for some purpose of civil strife."[156] The point for Morris, however, is that the development of hoplites did not create citizenship or the polis. The fundamental creative impulse behind the polis was the inclusion of the kakoi along with the agathoi in the structure of the state, even if minimally at first. This was a revolution which predated the hoplite revolution and which was fundamentally different as at once more radical and at the same time the principle of the continuing erosion of aristocratic power brought about by the hoplite reform.

The existence of polis citizenship, if it was marked by the occurrence of undifferentiated burials in 700, necessarily preceded the hoplite. Hoplite equipment was invented gradually and was used piecemeal by individual aristocrats in warfare skirmishes long before there was sufficient political cohesion to support the organization of a hoplite phalanx. Thus the various elements of the full hoplite panoply were in existence certainly earlier than 700.[157] However, the actual hoplite phalanx cannot be much earlier than about 650.[158] Therefore, under Morris's interpretation of the burial data, the admission of the kakoi into the state, and therefore the fundamental polis idea, predates the hoplite phalanx by about 100 years. It is also important to note that hoplites had to be members of what Morris calls the agathoi because they required substantial wealth to procure the hoplite panoply.[159] Therefore, if hoplite reform shows anything, it shows the change in relations among competing elements of the agathoi and a tendency toward equalization of the ruling class. It was never the case that the hoplite contingent was completely isomorphic with the citizen body,[160] and therefore advancement of the hoplite class cannot be seen as an advancement of citizenship as a whole. More fundamentally, the polis revolution was not one of military reforms with implications for class relations. It was more fundamental than that: it was a social revolution (in Morris's terms) and

[156] Snodgrass 1980, 102.

[157] Snodgrass 1965, 110.

[158] The full hoplite panoply is not seen until it appears on a vase dated around 675 and an actual hoplite phalanx appears first to our knowledge on a vase dated about 650. See Sealey 1976, 30.

[159] Morris 1987, 197. Cf. French 1961, 510, wherein there is some suggestion, not undisputed, that in Athens it may have taken 50 acres to produce income enough to provide full hoplite armor.

[160] Morris 1987, 197.

an intellectual revolution (in Snodgrass's terms) which changed the fundamental ways that people viewed their relationship to each other. So Snodgrass says: "The military reform came to be associated, at least by Aristotle, with the earliest steps on the road to democracy. Yet we cannot regard it as the very first step: that place must be given to a purely intellectual development, the realization that there were alternatives to unsatisfactory aristocratic rule."[161] This revolution was a "rapid, basic transformation of a society's state and class structures, accompanied and in part carried through by class-based revolts from below,"[162] namely the admission of the kakoi as partners in the basic privileges of the agathoi in the community of the polis. This occurred, according to the archaeology of burials, in the middle of the eighth century. Any changes caused by the hoplite revolution were a refinement of a structure already deeply ingrained.[163]

In summary of Morris's archaeology one could say that observing the emergence of inclusive and undifferentiated burials is like observing ancient radiation in remote space that implies the existence of the 'big bang;' it is a sign of the basic and most fundamental social structure of the polis. From the very shadows of its first existence, the understanding of community, koinonia, was the animating principle of the polis. The Greeks emerging from the night of the Dark Age 'chose' the principle of community as the defining feature of their political life. The remaining developments of the Archaic Age, e.g. hoplite reform, written law, arbitration of internecine faction, refined and solidified this principle. At the same time however, the paradox of the polis is also visible, namely that of the individual flourishing in the community. If Morris is correct, the way in which the Greeks created koinonia as the solution to their struggles was to allow room for the individual to flourish at the most basic level of social organization in an agrarian society. The agathoi allowed the kakoi to become owners of land and to share in the privilege and benefits of polis life. Thus it has been said that two marks of the development of the polis were private ownership of land (the individual) and movement away from aristocratic control

[161] Snodgrass 1980, 107.

[162] Morris 1987, 202 quoting T. Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China*, (Cambridge: University Press, 1979), 33.

[163] For non-archaeological evidence that supports Morris's view that the polis idea precede hoplite reform see Appendix VI.

toward institutionalization (the community).[164] The polis developed more and more as a particular type of community within which individuality could be defined and within which the community itself was defined by the degree to which individual happiness could be achieved.[165]

Section 2: *Athenian Particularities*

Athens was the only Greek city to have escaped utter destruction in the collapse of Mycenaean culture.[166] The later ninth century shows a desertion of the Attic countryside. By the eighth century Athens was a cluster of villages in proximity to one another, somewhat more substantially populated than settlements in other areas of Greece during this period.[167] Throughout the century Athens shows a proliferation of new rural sites and a concomitant concentration of population in the city itself.[168] These dates, 900 and the middle of the eighth century, thus mark the earliest and latest possibilities for the synoecism which transformed a cluster of villages into a political entity.[169] Because Athens remained during the eighth century a cluster of villages with accompanying rural settlements,[170] Snodgrass holds that the synoecism was abstract or political in nature, not physical; it was a "notional acceptance of a single political center by a group of townships and villages whose inhabitants stay firmly put."[171] The large territory, the settlement of the town and the country, and the kind of thinking which accepted a political as opposed to a physical unity, all contributed to conditions which were conducive to the

[164] See Manville 1997, 109–110, 117 and Murray 1993, 78.
[165] Cf. Pl.*R.* 420 ff and Arist.*Pol.* 1253a3 ff.
[166] Cf. Snodgrass 1971, 431, noting the unbroken record of occupation at Athens since Mycenaean times. For a summary of the theories of invasion and/or natural disaster hypothesized to account for the destruction and abandonment of many Mycenaean sites at the end of the period known as Mycenaean IIIB, see ibid., 304–314.
[167] Snodgrass 1980, 34.
[168] Snodgrass 1991, 14.
[169] Snodgrass 1980, 34.
[170] Ibid. and Snodgrass 1977, 16. See also Snodgrass 1991, 14, noting that the increase in dispersed rural sites in Attica in the eighth century looks like an attempt by Athens at internal colonization of its large territory.
[171] Snodgrass 1980, 34.

changes that attended polis formation: renewal of agricultural production, increase in population, and the unified co-existence of town and country.[172] Moreover, from 750–700 there is evidence in Athens of those inclusive and undifferentiated burials that indicated for Morris the acceptance of the polis idea, namely, a wide-reaching citizenship based on the ownership of land. On this fundamental level the distinction between agathoi and kakoi with respect to rights in the polis was obliterated. In Morris's view, during this period Athens was part of the universal pattern of polis development in the Aegean world.

However, from 700–500, the archaeology of Athenian burials tells a different story. Morris shows that during this period Athens practiced the same kind of exclusive burial that it practiced between 1050–750, reverting to the criterion of rank to exclude the kakoi from formal burial. This trend continues in Athens until around 500, when burials again become undifferentiated, reflecting, in Morris's view, the citizenship reforms of Cleisthenes, who thus formalized this aspect of the polis idea.

Morris's analysis takes into account several quantifiable aspects of Athenian mortuary practices, which show significant differences in the periods 750–700 and 700–500. The first is the period of the universal emergence of the polis in Greece. The second is a surprising period of reversion to exclusive burial practices in Athens which Morris believes is best explained as a fundamental suppression of the polis idea by the Athenian agathoi. Morris examines the following data: the reservation of burial spaces, the size of burial groups, mortuary variability, the distribution of wealth in graves, and grave markers. For ease of reference Morris employs the following chronological divisions: sub-Mycenaean = 1125–1050; proto to middle geometric or Dark Age = 1075–750; late geometric or the polis period = 750–700; protoattic to black figure or late Archaic Age = 700–525; and early red figure = 525–500.

A reserved cemetery is one which is specifically set apart from areas of ordinary, daily life exclusively for the burial of the dead.[173] Such cemeteries are apparent to archaeological examination because they are located outside of readily observable areas of settlement and utilized exclusively for burial. The archaeological data reveals that

[172] Snodgrass 1977, 18.
[173] Morris 1987, 63.

in Athens from 750 most burials were unreserved, but from 700 formal, reserved cemeteries become the norm.[174]

A burial group refers to the number of persons utilizing either a cemetery or a burial plot.[175] The statistical methods of calculating the size of burial groups depends upon assumptions of standard death rates in agricultural societies.[176] Morris's calculations show that the size of the groups fluctuated in the same way for both whole cemeteries and for individual plots during the entire interval from 1125–500.[177] Sub-Mycenaean groups were generally large.[178] Protogeometric groups were generally small.[179] Of particular interest for the present discussion, the size of both cemeteries and plots are much larger during the late geometric than in the protoattic to black figure period.[180] The smaller sizes for the latter period are similar to sizes calculated for protogeometric graves. There is also a striking increase in size during the early red figure period.[181] Since these changes are effective from the plot upward to entire cemeteries, an interpretation of the variations in size requires some knowledge of the social groups utilizing the burial plots. This kind of knowledge is not visible in the burial records, so Morris makes one assumption and appeals to the literary record for hypotheses about social groupings. He assumes that kinship is the only plausible principle for the organization of burial groups during the Dark Age. For the protogeometric and later periods he infers from the literary record that the groupings should reflect vertical familial hierarchies with an aristocratic household at the zenith of a pyramid of lesser families of varying degrees.[182] Given these social groupings, Morris shows that a principle of exclusive burial best explains the fluctuation in the size of burial groups, especially the decrease in size between the polis period and the protoattic to black figure period.

Changes in the number of graves generally reflects changes in population for the time frame corresponding to the burials. However,

[174] Ibid., 64 and 67–68.
[175] Ibid., 72.
[176] Ibid., 74.
[177] Ibid., 87.
[178] Ibid., 78.
[179] Ibid., 79–81.
[180] Ibid., 81–86.
[181] Ibid., 87.
[182] Ibid., 91.

the fluctuation in population cannot explain the corresponding fluctuation in the size of burial groups. It is insufficient to argue that larger populations in the sub-Mycenaean, protogeometric, and early red figure periods account for the larger burial groups observed therein. Given the increases in population, the increase in the size of burial groups is the expected result and does not require an explanation.[183] It is the smaller burial groups in the protoattic to black figure period which need explication because one expects the wider familial groupings of this period to be reflected in burials in larger groups.[184] Hypotheses of the change in kinship structures to explain the smaller groupings are too implausible.[185] To account for the larger burial groups some have hypothesized that kinship structure remained constant, but that wider familial groups were included within larger cemeteries containing several family lines during the sub-Mycenaean, protogeometric, and early red figure periods. One would then expect to find more plots accommodating more burials for smaller segments of familial units within the protogeometric and red figure periods, but the archaeology does not support this.

Since attempted explanations of these kinds involve substantial difficulties, Morris turns to a hypothesis of exclusion based on social rankings. He defines rank to mean the superordination and subordination of individuals in society based on status, but not on talent or ability.[186] He posits that during periods where the archaeology shows burial groups of small size, burial was exclusive to persons of the highest rank within familial groups. In particular, he posits this for the protoattic to black figure period.[187] In other words, the agathoi were buried but the kakoi excluded from formal reserved cemeteries during this time.[188] Given the number of the burials compared with estimates of the number of graves during this period, the number of agathoi varied according to Morris between 25–50% of the adult population.[189] On the other hand, in the larger burial groups of the polis period, the population of cemeteries will have included both agathoi and kakoi. Exclusive burial during the late Archaic Age

[183] Ibid., 92.
[184] Ibid.
[185] Ibid.
[186] Ibid., 93.
[187] Ibid., 94.
[188] Ibid.
[189] Ibid.

also comports with the greater number of reserved, i.e., formally exclusive burial sites which the archaeological record shows for this same period.[190]

Morris next turns to mortuary variability. This refers to the number, nature, and arrangement of variables associated with burial practices, e.g. cremation versus inhumation, orientation of graves, distinctions in burial goods, and the like.[191] Variability is a complex, statistically defined measure based on comparison of the universe of such variation among graves which is suggestive of rank. The lower the variability the less distinction in the rank of persons buried at a give site.[192] The variability of burials from the polis period is high, indicating "an increase in the range of social personae represented."[193] On the other hand, variability in the Archaic Age is quite low, supporting the theory of exclusive burial during this period.[194]

He next considers the wealth of graves. The distribution of metal grave goods within Greek cemeteries is an indication of the rank of the persons buried. This proposition is true for Greek burials because

[190] In order to test his theory of exclusive burial during 700–500, Morris uses a method which calculates the 'rate of recovery' from the population using the cemetery. (The 'rate of recovery' number indicates total population for the period in question.) A prerequisite for such a method is independent information for the size of such populations. Morris has to use figures for the fifth century as the only reliable data of this sort which is available. He then calculates the rate of recovery for fifth-century cemeteries and shows that the application of these rates to archaic-age cemeteries generates population figures which are impossibly small, e.g. 1900 for late seventh-century Athens and 3900 under Peisistratus. Since these figures are much too small, it is evidence that the burial groups were exclusive: many more people died than were buried in these cemeteries. See Morris 1987, 98. To bolster this verification, he also shows that after compensating for known problems in the retrieval of archaic-age graves, the number of graves is still quite small (ibid., 101–104). He further points out that the evidence of exclusive burial practices does not mean that the Athenians left some portion of the population unburied. They would have disposed of some of the dead by means not visible to archaeology. Morris shows, for example, that some trace of "casual surface cremation has survived" (ibid., 106–107). Morris notes in this regard that the existence of large cemeteries of a type difficult to associate with visible formal cemeteries supports a theory of differentiation and the exclusivity of the formal sites (ibid., 101).

[191] Morris 1987, 111.

[192] Ibid., 112–113.

[193] Ibid., 128.

[194] For example, the variability measure for burials in the Kerameikos cemetery in Zeitstufe 8 for the late geometric period is .3240 (Morris 1987, 125) as compared to the measure .0950 for graves in the same Kerameikos cemetery for the period 700–650 (ibid., 129) and .1720 for graves in the period 610–590 (ibid., 130), when Solon was in his prime.

it is known from independent literary sources that metals signified prestige in Greek culture.[195] Morris employed statistical analyses which measured the overall distribution of metal goods of all types for the various burial periods. The more even the distribution, the more uniform the rank of those buried in the cemetery.[196] The analysis is limited, however, to burials prior to 700 since after that time grave goods went out of use.[197] Consequently the analysis does not yield a comparison between the polis period and the late Archaic Age, but it does show that grave goods were more evenly distributed in the Dark Age than in the polis period. This result is consistent with the theory that the latter period witnessed the rise of the polis form in Athens, indicating a downplay of privileges based on rank in the direction of egalitarian practices.[198]

Grave markers, as is also known from independent literary sources, evidence high status.[199] Unlike grave goods, grave markers were in continuous use in all periods including the late Archaic Age.[200] Grave markers, e.g. monumental vases, depressions near grave sites for cult activities, and the peribolos walls are "very definitely limited" in the polis period, but become ubiquitous after 700: "markers now appear with nearly all the known adult burials."[201] Many of the graves in the late Archaic Age were also elaborate, requiring significant construction, thus indicating a very high status for the persons buried.[202] After 500, however, markers become limited once more. Again, therefore, the evidence indicates that burials between 700–525 were exclusive, limited to persons of rank, in comparison to the more egalitarian significance of the limited use of such markers for the periods 750–700 and after 525 into the fifth century.[203]

In summary, the burial patterns of the period 1025–750 are exclusive. From 750 to 700 there is a marked change in ritual; burials, compared to the previous period, are no longer exclusive, but egalitarian. Then, suddenly from 700–525, the patterns revert to the

[195] Morris 1987, 141.
[196] Ibid.
[197] Ibid.
[198] Ibid., 142.
[199] Ibid., 151.
[200] Ibid.
[201] Ibid., 152.
[202] Ibid., 153.
[203] Ibid., 154–155.

exclusive type of the Dark Age period. The bare interpretation of these patterns is that a gulf existed for three centuries between the agathoi (those admitted to formal burial) and the kakoi (those excluded). This gulf disappeared between 750–700, only to reappear again abruptly in 700 and persist into the fifth century.[204]

The opening of the cemeteries in 750 indicates the formal acceptance in Athens at this time of an orientation of social organization based upon the idea of community. This development occurs within the same timeframe and consistently with the core of other developments discussed in this chapter as marking the emergence of the polis idea across the Greek world. It is consistent in particular with those developments that indicate a rise in the centrality and dominance of the community as a political and social force such as building of stone temples and the rise of inclusive religious practices associated with the dominance of agriculture at the center of societal life. Moreover, the archaeological record also shows similar changes during this period toward inclusive burials in Argos and Corinth, two places where the polis took hold and persisted without interruption into historical times.[205] Therefore, the evidence of burials in Athens manifests not only that the Athenians were participating in these far reaching changes affecting the Greek world, but also that they definitively accepted the transformation of their society away from the organizational principle of the Dark Age to the more communal and inclusive patterns of the polis idea. The change to non-exclusive burial evidences the emergence of the polis in Athens in 750.

Thus the archaeological evidence pertaining to the middle eighth century in Athens manifests a revolutionary change in the structure of Athenian society, but it cannot by itself reveal the particular political and social mechanisms of the new inclusive nature of their society.[206] For this Morris looks at the relation of the agathoi and the kakoi to the polis land. In agrarian societies the control of land is virtually the only mechanism of privilege. Thus historians of this period of Greek development, most notably perhaps M.I. Finley, have held that the criterion for membership in the political community depended almost wholly on landed rights. This principle finds

[204] Ibid., 173.
[205] Ibid., 183–186.
[206] Ibid., 186.

forceful expression in the words of Snodgrass, whose agreement with Finley shows that the methods of history and archaeology come together on this point:

> All this emphasis on land becomes intelligible when we reflect that it was the only significant medium of wealth; that it was on occasion the personified object of worship and offerings; that a new political system was being widely introduced in which it was the only qualification for citizenship; and that (if I am right) its full fruitfulness was only now in the process of being rediscovered after centuries of neglect. Competition for land was at its most intense in the newly-arising polis.[207]

Morris, therefore, interprets the burial patterns as reflecting the social and political significance of access to and enjoyment of land. The data for Athens, put in simplest terms, yields two conclusions.

The first is that in 750–700 societal structure in Athens, as in Corinth, Argos, Megara and many other sites,[208] reflected the polis idea and that the Athenian agathoi admitted the kakoi to landed citizenship in the polis. For Morris this was the first development of a meaningful citizenship for the kakoi. This group pressed from below for access to the land because it was the basic good of organized societal life. The agathoi acquiesced and included the kakoi in a community of interests which in some ways came to be recognized as independent from the private interests of the groups with competing claims.[209] For Morris the union of the agathoi and the kakoi, forcefully indicated by the burial practices, is the core of the polis idea, and conforms to the generalized view of scholars like Finely, who said:

> The peasantry had won their personal freedom and their tenure on the land through struggle, in which they also won citizenship, membership in the community, the *polis*. This itself was something radically new in the world.[210]

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[207] Snodgrass 1980, 40.

[208] Morris 1996, 24.

[209] Cf. Morris 1991, 48: "*The polis was a community of citizens*, not a mass of subjects under a differentiated elite" (emphasis in original). He compares the polis form with the model of the agro-literate state expounded by Ernest Gellner in *Nations and Nationalism*, (Oxford, 1983), 10. Gellner's model was an internally stratified, minority ruling class rigidly separated from the majority of direct agricultural producers. Morris notes, contrary to Gellner's model, that the main demarcation in the polis was between citizens (which would include Gellner's ruling class and his agricultural producers) and a slave population. See Morris 1991, 47–48.

[210] Morris 1987, 175 quoting Finley, *Ancient Slavery and Modern Ideology*, (1980, reprint, New York: Penguin, 1983), 89–90.

The second conclusion is that from 700 through to the beginning of the fifth-century there was in Athens a complete obliteration of the polis idea. The reversion to the exclusionary practices of the pre-polis Dark Age indicates that the agathoi had arrested the progress of the polis idea in Athens and again monopolized access to the formal structures of social and political life, most especially those involving landed rights.[211] Thus in 700 the agathoi began and continued thereafter to impede the progress of the kakoi toward meaningful participation in the polis.[212] The patterns of exclusion were still dominant throughout the first half of the sixth century,[213] indicating that the Athenian agathoi had been successful in suppressing the polis idea throughout this period even up to the time of Solon. From the perspective of Morris's archaeology the polis idea in Athens at this time was a relic of history which was brought to life again by the intensity of the resistance of the kakoi to their exclusion from formal political society. Thus for Morris the work of Solon, which addressed the strife between agathoi and kakoi, has to be analyzed in terms of a recreation of the polis idea which the agathoi had repressed in Athens for at least a hundred years.[214]

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[211] Morris 1987, 205.

[212] Cf. Murray 1993, 186, who says that at about 740 the Athenian aristocracy began to abandon the city for domicile in the surrounding countryside. Cf., also, Coldstream 1968, 361, who says the following: "It appears, then, that during the late eighth century the men of Attica were contracting out of their enterprises abroad, and transforming themselves into a quiet, inward-looking people whose interests were in agriculture, and no longer in commerce. Archaeology alone cannot supply the reason for this change; but one possible explanation is offered by Herodotus, who records the memory of an early naval war in which Athens was worsted by Aegina with Argive help . . . Be this as it may, the rapid peopling of rural Attica suggests that the landed aristocracy were becoming increasingly powerful. At Menidi, Sparta, Koropi, and Anavysos there are late-eighth century graves containing offerings of gold, and furnished as richly as any in Athens; not only the population, but the wealth too, was being decentralized from the city, and distributed evenly over the Attic countryside . . . At the other end of the social scale, the poor graves at Phaleron contain a preponderance of small and squalid shapes, which were now mass-produced for the home market and no longer exported. Extremes of wealth and poverty are even more poignant in the grave offerings of the seventh century, when commercial enterprise remained at a standstill, and landed aristocracy was all-powerful."

[213] See Morris 1987, 67 (reserved Athenian burials the norm in 600) and 130 (variability measure of .1720 for Kerameikos graves between 610–590).

[214] Ibid., 205–206: "Solon tried to create, rather than to recreate, a polis society of small freeholders . . . From the archeological evidence it would seem that Solon was not just facing a problem of creating or restoring a free citizenry. He

Morris's conclusions of restrictive practices among the agathoi find support in James Whitley's analysis of seventh-century protoattic pottery.[215] Whitley's inferences from the depositional record of these pots indicate the existence of an elite group engaged in exclusive practices to preserve their status. Protoattic pottery represents primarily a stylistic innovation encompassing Orientalizing motifs and becomes fully established only after 700.[216] There is no indication that protoattic pottery was relegated just to ceremonial use because both subgeometric pots (which continued to be produced) and prottoatic pots occurred together in domestic contexts.[217] Still the majority of protoattic pottery occurs in the *Opferrinnen*, or offering channels, associated with adult graves. Moreover, many of the specimens from that context show "elaborate plastic attachments, such as snakes and mourning women or griffin protomes."[218] This fact, viewed in connection with Morris's conclusions about the restrictive character of adult burial during this period, indicates that the use of protoattic pottery was directly related to the status of the occupants of these adult graves.[219] Whitley explains this use as an instance of social rationing whereby a group maintains its privileged identity through exclusive access to certain goods of the society.[220] The explanation is bolstered further by certain other facts. The total quantity of protoattic pieces is very small, indicating that the elites monopolized its use and prevented others from access to it.[221] The painted images on the pots show little of standard mythological themes, indicating small interest on the part of the Athenian elite in wider, inter-polis culture and an isolationist view of their own social context.[222] This social rationing of protoattic pottery is similar to the use in the ninth

had to cope with a situation produced by a series of great changes beginning back in the eighth century."

215 Whitley 1994, 52. The principles of Whitley's approach to the record of protoattic pottery reflect the spirit and methods of new classical archaeology. Thus he holds that people use artifacts for a purpose and that archaeology properly attempts to infer this purpose from the record of the deposition of the artifact. In other words, he holds that the material record reflects a particular type of social behavior.

216 Ibid., 53.

217 Ibid.

218 Ibid., 54–55.

219 Ibid., 56–57.

220 Ibid., 59.

221 Ibid.

222 Ibid., 62.

century of burial symbols such as motifs on grave markers and burial urns in combination with burial goods like fibulae, rings, and ivory figures. These practices also marked exclusive burials and the emergence of an Athenian aristocracy in the late Dark Age.[223] The indication, then, for the seventh century is similar and conforms with Morris's view that the elite agathoi were active in excluding the kakoi from the privileged membership in the social and political community.

Athens also presents a special case in de Polignac's archaeology of bi-polar religious unity. This bi-polar model describes every other polis in the Greek world except Athens. Unlike the other cities, Athens had no major extra-urban sanctuary, and the direction of its religious processions was not, as it was everywhere else, from the temple at center of the city outward toward the extra-urban sanctuary, but opposite. In Athens the processions began in the territory and came into the city, to the temple of Athena on the acropolis. The accentuation of the ritual was on the urban center. Thus Athens was the only polis in the Greek world to exemplify a mono-centric concept of the city.[224]

In de Polignac's analysis the bi-polar religious structure of the polis was a mechanism of inclusion. The religious ritual stood behind and in some sense brought about the participation of the non-governing adults (and women and children) in the citizenship of the polis. The religious prominence of the extra-urban sanctuary unified the center of the city with its agrarian territory, verifying the mutual importance of governance and agriculture. The ceremonies invoked the protection of the gods on the entire polis, town and country, urban governors and country-farmers.[225] As was suggested above, the symbolism of these rituals reflected polis formation as a result of the settlement of local struggles through the negotiated allocation of landed rights. The mono-centric structure of Athens may, on the other hand,

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[223] Ibid., 60.

[224] One might note several unique facts about Athens that temptingly suggest a relation to the city's monocentric form. First, the Athenians believed themselves to be autochthonous. Second, Athens was the only site in the Greek world with some measure of continuity with its Mycenaean past. Third, Athens was the only polis to take its name from its patron goddess whose temple was located on the site of the old Mycenaean acropolis. Ehrenberg's famous quip that the god replaced the Mycenaean monarchy at the center of the polis is true only for Athens. In other cities the extra-urban sanctuaries were of equal prestige and importance with the central temple.

[225] De Polignac 1995, 87.

reflect a different principle of formation, one which did not bring the struggles over land into focus at the time of the acceptance of the polis idea in 750 and which may account in part for the rejection of the polis idea reflected in Morris's archaeology. Thus both from Morris's analysis of burials and de Polignac's analysis of extra-urban ritual it seems that the Athens of Solon's day was entrenched in difficulties stemming from the decisive choice of the agathoi one hundred years earlier to turn their back on the polis idea.

Despite the peculiarity of Athens' position in the polis world, it is important not to take away an impression that Athens was isolated from the rest of the Greek world. At all times, from the emergence of the polis idea throughout Greece, through its suppression by the agathoi at Athens, the Athenians were part of an increasingly vibrant world where international communication and interchange was well established. For example, from 850–750, Athenian Middle Geometric pottery reached the highest level of distribution of any time before the resurgence of Athenian exports in the sixth century.[226] During this period Attic pottery was exported and widely imitated in many areas of the Greek world, including Ionia and especially in the city of Miletus.[227] Since there is no evidence at all in the material record or in the later literary tradition of a period of Athenian hegemony in the Dark Age, the predominance of Attic craftsmanship and the unity of style achieved through imitation of Attic pots during this period can only be explained as a sharing of ideas across the Aegean.[228] This is just one indication that the habit of communication had been established early in the Archaic Age. Solon's travels and commercial activities are enough to show that the habit did not die. Despite the extreme particularization of developing polis society, the Archaic Age saw the origin and continuation of the commonality of culture, ideas, religion, and language, in short, the common Greekness which Herodotus speaks of in his *Histories* (8.144), and Athens was a part of this culture known by and knowing the other Greeks and their cities.

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[226] Coldstream 1968, 348.
[227] Coldstream 1984, 12 and 1968, 334.
[228] Coldstream 1968, 334.

Summation: The Polis Idea

One of the primary successes of the new classical archaeology has been to illuminate the material record of the early to middle Archaic Age so as to contribute to an understanding of the "polis idea."[229] The conclusions of the archaeological calculus derive largely from contemporary evidence interpreted with an eye to the construction of a social history of the polis community up to historical times. It is true that to this extent the polis idea is an abstraction, but one drawn from factors at work in the formation of the new political organization of peoples arising out of the Dark Age. The new classical archaeologists have tried to understand the communalizing mechanisms by which the polis order arose out of fragmentation and to grasp the fundamental animating structure of these new and enduring communities.

In summation the polis idea encompasses the following aspects:

1. The polis was a child of travail arising from attempts to resolve the problem of meaningful participation in a formal community. At first, the struggle was for dominance and control over the new community, and, that settled, for a meaningful subordinate participation. In some sense this second struggle was endemic to and coextensive with the polis as a form of political community.
2. The resolution of these struggles involved the broad idea of territoriality which included an agrarian and religious aspect. These aspects contributed to the shaping of the kinds of participation in the community that defined the special unity of the polis. In other words they defined the idea of citizenship, taken in a general sense.
3. The Archaic Age was an agrarian age and the polis was an agrarian community. When dominant groups claimed control over a territory from their own settlement as political center, they acknowledged the landed rights of the subordinate group within the territory. This formal act solidified both the dominant group's control and one level of the unity of the territory. Here the polis becomes a community of agathoi and kakoi based on landed interests.
4. Religion played a role in defining the territorial boundaries of the polis. The axis joining the urban temple and extra-urban sanctuary marked out the physical region within which the activities

[229] Snodgrass 1991, 18.

of organized life occurred. The urban temple represented the centralized authority and the subordinated cooperation required for large communal undertakings like monumental stone construction. Accordingly it represented the community with reference to the relationship of ruler and ruled, dominant and subordinate, and thus it represented the strict political citizenship of the adult male of the ruling group. The ritual practices surrounding the extra-urban sanctuary represented a more inclusive participation in the community based upon the ideals of agriculture and fertility. Accordingly these rituals symbolized the citizenship of all land-owning males, agathoi and kakoi alike, as well as a proper and meaningful participation of women and children in the unity of the community. Thus, together the urban temple and the extra-urban sanctuary, i.e. the religion of the political center and the religion of the agrarian countryside, represented the entirety of the community under the notion of the unity of town and country.

5. Opening up the privileges of the agathoi to the kakoi, especially the privilege of land ownership, represented a fundamental, albeit limited, advance in the recognition of status based on citizenship. Such recognition was the beginning and basis of an egalitarianism, again limited if compared to the standards of radical democracy, but revolutionary in the early Archaic Age. This revolution is at the definitional center of the new polis community.
6. The totality of all of these factors indicates the solidification in the polis idea of the notion that the community is a reality which is in a sense autonomous of the individual. At the same time, however, the record of individual achievement in the Archaic Age, from independent farming to the development of regional styles in pottery, shows that the principle of community embraced the flourishing of individual talent. This is the paradox of the polis, the primacy of the community and the simultaneous flourishing of the citizen within the community. It is a koinonia of competing interests.
7. The most significant contribution of the social interpretation of the archaeological record of the Archaic Age is that the polis idea emerged in the early eighth century and became the animating principle behind all further developments which arose in the evolution of the polis society such as, for example, the promulgation of written law and hoplite reform.

As an abstraction the polis idea is a formal model of general tendencies and describes no individual polis in its full particularity. In the case of Athens the particularity is especially unique as well as pertinent to this discussion. There is wide agreement that "far from forming a paradigm for the formation of a polis, [Athens] is an exception to the regularities observable elsewhere in almost every respect."[230] Indeed, according to the argument derived from the archaeology of burials, Athens intentionally abandoned the polis idea, at least in one significant sense, from 700 on, perhaps even right up to 500 and the reforms of Cleisthenes. During this period Athens repudiated the egalitarian model of participation in the community. When the agathoi excluded the kakoi from burial and thus from citizenship, they derailed the polis ideal which had animated Athenian development between 750–700. The key point, of course, is that this disruption persisted into the time of Solon. Still Athens knew the polis idea from its past, and Solon, as we shall see in Chapter V, was aware of the consequences of the abandonment.

The polis idea of new classical archaeology is not a construct drawn from the classical period and imposed upon the Archaic Age. Rather it is a general pattern taken from such evidence (most of it material) as is contemporary with the very social environment which gave rise to the first polis communities.[231] This focus makes a difference in an approach to the political poetry of Solon. Before the archaeologists turned the lens of examination on the early Archaic Age, the view of the polis reflected factors more pertinent to its mature stage in the fifth century. Whether it was Ehrenberg's conception of the polis as a form of fundamental political egalitarianism independent of particular constitutional types[232] or Jaeger's notion that archaic Athens was an infant development of Ionian constitutionalism perfected in the polity of Pericles,[233] the archaic polis was conceived as embryonic.[234] The discussion of Chapter II showed the consequence

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[230] Snodgrass 1984, 263.

[231] Snodgrass 1991, 20 acknowledges that "many of the archaeological arguments depend ultimately for their validity on *a posteriori* reasoning from the statements of ancient authorities, or from the inferences made by historians of later periods in the history of the Greek city." He notes in the same article (1991, 2) however, that for the early periods "here the written sources on their own are manifestly inadequate" and that, therefore, the historians have "called in the archaeologists."

[232] Ehrenberg 1950, 515.

[233] Jaeger 1965, 79, 410, and 436 n. 6.

[234] Cf. Snodgrass 1980, 12–13, noting that it was common to treat the develop-

of Jaeger's view for an interpretation of Solon: he illuminated the poet's conception of dike by appealing to Anaximander's physics. Jaeger thought that Solon was a first founder of the Athenian polis because he brought progressive Ionian ideas to Athenian politics.[235] Morris, on the other hand, understood Solon as recreating the polis idea in Athens.[236] The difference is greater than it may seem. From the perspective of the new classical archaeology, the polis idea, in existence since the mid-eighth century, is an objective referent against which to read Solon's poetry; for Jaeger, Solon's fragments were shadows of things to come.

ments of the Archaic Age as simply propaideutic to the great achievements of the Classical Age but that in relatively recent years scholars have begun to see the achievements of this earlier period as of independent importance. New classical archaeology's work on the nature of the emergent polis is an example of this new appreciation.

[235] Jaeger 1965, 99, states in *Paideia*, Chap. 6, "The City State and its Idea of Justice," that "Athens was the last of the great Greek cities to appear in history, and her constitutional ideals presuppose a long anterior development. Throughout Solon's life and work it is clear that he was deeply influenced by Ionian civilization." With this quote compare the title of *Paideia*, Chap. 8, "Solon: the Creator of Athenian Political Culture."

[236] Morris 1987, 205.

CHAPTER FOUR

THE LEXICOGRAPHY AND INTERNAL POETICS OF DIKE

Preliminaries

A standard treatments of the lexicographical meaning of dike is a necessary propaedeutic to a deeper interpretation of Solon's understanding of this important political idea. Not even Jaeger in his aggressive view of a new sense of justice in Solon's political poetry contends that Solon changed the ordinary meanings of dike. In this sense Jaeger would have agreed with Wilamowitz that Hesiod and Solon employed the word according to standard usage. Thus it is necessary to give an account of the lexicography of dike (Section 1). Further, a sense of the landscape of dike in the political fragments as a whole is also an important preliminary to identifying the fundamental meaning of the word which unifies all the parts. Solon's understanding of dike involved various related ideas which he wove into a poetic tapestry. To illuminate the patterns of the tapestry it is necessary to trace connections in the Greek text of the poems. Therefore this part of the argument (Section 2) is rather technical, containing many cross-references to Greek words and phrases within and among poems and is best read with a text of Solon's fragments ready at hand. For the sake of consistency and ease of reference to Solon's poems and other relevant sources, important words and phrases are printed in Greek throughout the rest of this chapter.

Section 1: *Lexicography of Dike*

Archaic writers both personify δίκη as a deity and use the word to represent specific events of a juridical nature.[1] For Ostwald in his

[1] So one finds Δίκη as the daughter of Zeus in Hes. *Th.* 901 ff and in Sol. fr. 4.14, but one finds reference to straight δίκῃσι in Hes. *Th.* 86 and in Sol. fr. 14.36. Apparently there is no tradition in Homer for the divine person Δίκη. Thus Wolf

article on ancient Greek law in the *Dictionary of the History of Ideas*,[2] the deification of δίκη indicates that the Greek mind perceived the sphere of associations encompassed by this word to be part of the permanent and immutable order of things. This follows for him because the Greeks did not perceive these realities to be of human origin.[3] The concrete referents of δίκη included various civic and social structures which were essential to the organized life of society. Thus the Greek mind saw the particular applications of δίκη in these concrete situations as a sign of higher, more enduring principles of which the particular instances were a constant reminder. This is precisely why Polyphemos is contrasted unfavorably with Odysseus and why his isolation from society is opposed to the activities of the agora within which Odysseus and others like him practiced δίκη. Polyphemos is without δίκας (*Od.* 9.215) precisely because he is an 'individual' in the worst sense of the term.[4] He is not an individual shaped by the civilizing effect of the polis, but a savage law unto himself. Odysseus, by force of the contrast, knows δίκας, i.e. the norms of civilized life. He is an individual, but an individual in a community, subject to an order which has shaped him beyond the rude savagery of the Cyclops's isolation.[5] The following discussion

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1950, 93 says: Sollte nicht auch hier [in the *Iliad*] der Dichter Homer die Gottheit Dike selber in ihrer gestalthaften Erscheinung meinen? Aber die Textüberlieferung, die nur vom göttlichen Wort δίκη spricht, erlaubt uns diese so nahe liegende Annahme nicht. (Should not thus the poet Homer mean the goddess Dike herself in her own shape? But the textual tradition, which only speaks about the divine word δίκη, does not grant us this proximate observation.)

[2] Ostwald, 1973–74. Ostwald's article is particularly useful because he takes into account the work of many of his predecessors and supplements them with his own updated researches. The list of predecessors begins with R. Hirzel's *Themis, Dike und Verwandtes* (Leipzig, 1907), which Lloyd-Jones calls "the most fully documented history of the concept which the Greeks called Dike," and then moves to J.L. Myers' *The Political Ideas of the Greeks*, which, again according to Lloyd-Jones, is "the best account of Dike as a political concept" (Lloyd-Jones, ix). Next there is V. Ehrenberg's *Die Rechtsidee im Frühen Griechentum: Untersuchungen zur Geschichte der werdenden Polis* (Leipzig, 1921), L.R. Palmer's "The Indeo-European Origins of Justice," *TPhS* (1948): 149–69, and E. Wolf's *Griechisches Rechtsdenken I* (Frankfurt, 1950). Also very useful to this lexicographical discussion of dike are the works of M. Gagarin (1973, 1974, 1989), who takes a more restrictive view than Ostwald.

[3] Ostwald 1973–74, 674.

[4] Ibid., 674–75. Ostwald says that because the Cyclopes are without society they impose themis over their wives and children only "by analogy with a normal society," and "for that very reason Polyphemus is described as 'knowing neither *dikae* nor *themistes*.'"

[5] Ibid., 675.

of the particular meanings of δίκη will come back around in the end to Odysseus and the Cyclops.

Lexicographically the uses of δίκη form two groups that appear at first to be unrelated. The first group consists of particular juridical uses. The second consists of more abstract uses which touch upon the norms of human institutions and customs. Most of the several juridical senses fall into one of the following categories: 1) the verdict by which certain kinds of claims are validated; 2) the process or forum of adjudication, i.e. the 'trial' or 'court' in modern parlance; 3) a claim regarded by the claimant as valid, but which has not been validated by adjudication; 4) a claim which, although adjudicated in some manner, is still open to legitimate dispute; and 5) punishment or retribution.

The usage in Hesiod's *Works and Days*, 35–36, typifies the sense of δίκη as verdict. Hesiod is exhorting Perses to turn to an ordered settlement of their dispute so that they can get on with the important things in life, saying: "ἀλλ' αὖθι διακρινώμεθα νεῖκος/ἰθείῃσι δίκῃς."[6] The instrumental use of δίκη with the verb διακρίνειν shows that in this context δίκη means something like verdict. It is not, however, a verdict in the sense of a mere pronouncement of judgment because in Greek the root *δεικ did not develop to include the idea of speaking as did the Latin *dicere*. The emphasis of this sense of δίκη, therefore, must be more on the act of determining the dispute than on the act of promulgating the result of the determination. Palmer, linking δίκη with the notion of boundary mark, takes this sense of δίκη to mean something like a juridical determination. He reads the metaphor depicted by the adjective ἰθεῖα, which often accompanies the word δίκη, as a demarcation line between acceptable and unacceptable settlement options.[7] A straight line drawn by the judge, one imagines, indicates a fair assessment, while a crooked line implies a kind of partisan gerrymander. Therefore one can have

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[6] Regarding Hesiod's legal problems with his brother Perses over family property, see West 1978, 33 ff. Cf. Hes.*Th.* 84–6: "οἱ δέ νυ λαοὶ/πάντες ἐς αὐτὸν ὁρῶσι διακρίνοντα θέμιστας/ἰθείῃσι δίκῃσιν." Cf. Ostwald 1973–74, 676 for the position that θέμις denotes a legitimate claim whereas δίκη denotes the verdict by which the claim is validated.

[7] Palmer, 159. Palmer does not accept that "straight" implies hitting the mark and "crooked" missing the mark, an idea put forward by Wolf 1950, 89, because Palmer rejects the derivation of δίκη from δικεῖν (= to throw).

straight and crooked verdicts in cases, i.e. straight and crooked determinations or δίκας of various claims between disputing parties.[8]

The next three senses of δίκη form a related group, being connected to the sense of δίκη as verdict. First, δίκη can stand for the place in which a verdict is given, e.g. the court, or the procedure for reaching the verdict, e.g. the 'trial.' Ostwald cites the witness of Hesiod in *Theogony*, 434, where Hekate is said to sit ἐν δίκῃ with the kings. This is a relatively infrequent meaning. Second, and more commonly, δίκη indicates a 'claim,'[9] but here there are two senses. The first is the proper sense of a 'claim' brought forward for adjudication so that after judgment the 'claim,' strictly speaking, no longer exists. Ostwald adduces as an example the expression δίκην διδόναι καὶ δέχεσθαι in the *Hymn to Hermes*, 312, where δίκη refers to a claim and a counterclaim brought to Zeus for adjudication.[10] The second sense involves an improper judgment so that even after completion of the procedure of adjudication the claimant can still be said in some sense to have a 'claim.' An example is Antilochus's complaint in *Iliad*, 23.540–42, where he asserts a claim to the prize which Achilleus gave to the unfortunate Eumelus. The relevant portion of

[8] Gagarin 1973, 91 and especially 91 n. 52, who is one of the best known modern writers on Greek juridical matters and certainly one of the most prolific, has a different, but not unrelated view of the meaning of δίκη in this passage of *Works and Days*, 35–36. He believes that the singular δίκη in this passage should be read to mean the "rule of law" associated with the ordered process of adjudication by kings.

[9] Cf. ibid., 88: "δίκη has the traditional meaning of 'settlement' (if spoken by a judge) or 'plea' (if spoken by a contestant)."

[10] Ostwald 1973, 676. *Hymn to Herm.* 312: "δὸς δὲ δίκην καὶ δέξο παρὰ Ζηνὶ Κρονίωνι" ("plead your case and hear mine in answer before Zeus son of Cronos," Gagarin 1974, 189). Ostwald 1973, 676, quotes but does not interpret the phrase "δίκης τάλαντα" in line 324 of the Hymn. Gagarin, 1974, 189, however, takes δίκη in this phrase to mean judgment: the scales of "judgment." The use of the same word for both the "claim" and the "judgment" implies a conception of general juridical notions quite distinct from those implied by the English words. While there is a relationship between the claim and the judgment of the claim, it is impossible to employ the word "claim," in any way, to indicate the judgment, or the word "judgment" to indicate the claim. See *OED*, *s.v.* "claim" and *s.v.* "judgment" and examples of usage cited. This is an indication both that Jaeger 1966, 89 n. 2, was correct when he said that one cannot rely simply on lexicographical information to ascertain the full meaning of terms and that something more should be said about the sense of δίκη as claim than either Ostwald or Gagarin have said. There is room in the literature for a thorough examination of Greek juridical terms against the background of a sophisticated examination of the development of Greek legal procedures. An example of the start of an excellent examination of this kind, although it does not focus specifically on the meaning of δίκη, is H.J. Wolf's, "The Origin of Judicial Litigation Among the Greeks," 4 *Traditio* (1946): 31–87.

the text reads: "εἰ μὴ ἄρ' Ἀντίλοχος . . . Πηλείδην Ἀχιλῆα δίχῃ ἠμείψατ' ἀναστάς," (if Antilochos . . . Standing up, had not addressed Pelius's son Achilles with his claim). If one accepts H.J. Wolf's observation that the Homeric camp was not a strict juridical environment with judges officially invested to hear disputes,[11] then Antilochus still possessed his δίκη because Achilleus was not a proper judge.[12] A related example occurs in *Works and Days*, 271–72. There Hesiod criticizes the outcome of fraudulent judgments where the ἀδικώτεροι receive a greater δίκην (= verdict or settlement)[13] than one who is truly δίκαιος. Because such a judgment is tainted, e.g. influenced by bribes, the δίκη, i.e. the claim, of the δίκαιος still has validity, even though he formally lost his case. Similar is Hesiod's claim in *Works and Days*, 37–39, for his father's property which "gift-devouring kings" divided improperly.

In the last of the particular juridical uses, δίκη can indicate the punishment or retribution assigned to wrong-doers. Ostwald says that this sense of δίκη first occurs in Hesiod's *Works and Days*.[14] Gagarin, too, agrees that the meaning of δίκη in Hesiod can indicate "penalty for violation of the legal process."[15] In *Works and Days* 238–39 Zeus "δίκην τεκμαίρεται," that is, "marks out" δίκην or punishment for those who perpetrate insolent and evil deeds. So Palmer renders "τεκμαίρεται" seeing in the word confirmation of his etymology of δίκη as "mark."[16] In *Works and Days*, 249–56, Δίκη also comes as

[11] Wolf 1946, 57 "From the standpoint of the history of procedure, it is important to note that the controversy remains throughout within the limits of self-help . . . Agamemnon's authority [and thus also Achilles'] over the men obviously is strictly confined to the military command." But see Gagarin 1973, 83 ff where the Antilochus-incident is seen as a paradigm of the judicial procedure for the settlement of disputes based on oath-taking.

[12] Antilochus's case provides an example of an informal, voluntary procedure. For mandatory procedures see Wolf 1946, 59, describing dispute resolution in the Boeotia of Hesiod: "In the Boeotia of his day parties could not, or could no longer, refuse to submit their cases to the noblemen wielding judicial power, or reject a judgment rendered by them."

[13] Gagarin 1973, 93, takes δίκη in Hes.*Op.* 271 to mean larger judgment or award. Cf. also West 1978, 213 commenting on Hes.*Op.* 272 also taking μείζω δίκην to mean a larger settlement.

[14] Ostwald 1973–74, 677.

[15] Gagarin 1973, 89. Gagarin limits the sense of δίκη as punishment for wrongdoing to that which is aimed at the subversion of the "legal process" as opposed to a punishment for a specific crime. Gagarin takes this sense of δίκη to mean punishment for a crime against the system.

[16] Palmer, 159.

personified Retribution to the city as a punishment for crooked δίκαι.[17] It is interesting to note that the sense of δίκη as punishment does not occur in the *Iliad* or the *Odyssey*, and this confirms Gagarin's observation that Homer is not much concerned with δίκη in its juridical senses.[18]

In its more abstract sense δίκη can refer to the "rule of law" or, outside the juridical sphere, the natural characteristic of something. Gagarin allows that the singular of δίκη in Hesiod can stand as a kind of abstraction for all the various particularities of procedures for the settlement of disputes. In that sense he takes it to mean something like "rule of law" or "legal system."[19] Gagarin attributes this sense of δίκη to such warnings issued by Hesiod as "δίκῃ δ᾽ ἴθυνε θέμιστας (*Op.* 9)," meaning something like, "maintain legitimate norms by means of the rule of law" or "ὦ βασιλῆς, ὑμεῖς δὲ καταφράζεσθε καὶ αὐτοί / τήνδε δίκην (*Op.* 248–49)," in the sense of "do right by orderly legal process!" Gagarin interprets Hesiod's personification of δίκη in various places as a poetic device emphasizing this more abstract sense of the term.[20] In a related manner Ostwald interprets the plural of δίκη in some usages to mean legal norms. In this sense he reads Glaukus's description in *Iliad* 16.542 of Sarpedon as one ὃς Λυκίην εἴρυτο δίκῃσί τε καὶ σθένει ᾧ ("Sarpedon, lord of Lycia's shieldsmen, who defended his realm with just decrees and power")[21] to mean that Sarpedon, as ruler of his land, had established and preserved a set of legal norms resulting from the verdicts he had handed down during his reign. Ostwald understands this same meaning in *Odyssey* 11.570 when Odysseus described the dead as asking Minos for δίκας, i.e. an established order brought about by the force of precedent.[22]

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[17] Ostwald 1973–74, 677.

[18] Gagarin 1974, 87: "Δίκη is an insignificant word in Homer. No important character is ever called δίκαιος; no one ever appeals to δίκη when he has been wronged . . . none of the major actions of the epics, such as the avenging of Paris' theft, or the punishment of the suitors, or of Aegisthus, is ever spoken of in terms of δίκη."

[19] But see Gagarin 1973, 89, who warns that notwithstanding a somewhat abstract sense for δίκη, its meaning still has a legal force, and he remains adamant in refusing to attribute any underlying moral sense to δίκη. This refusal is the premise of all his writing on early Greek law.

[20] Ibid.

[21] Fagels, 430.

[22] See, generally, Ostwald 1973–74, 677. For the Minos passage cf. Stanford, 401, interpreting *Od.* 570, as the dead "inquiring about precedents, decisions."

The second abstract sense of δίκη indicates, as Ostwald puts it, "the essential *characteristic* of a group on the basis of which a certain kind of conduct can be expected from the individual members belonging to that group."[23] This sense of δίκη expresses, according to Ostwald, certain absolute norms of societal structure and human behavior. Gagarin also recognizes the general sense of δίκη as characteristic, but does not concede to it the scope of meaning that Ostwald does. He says, referring to this usage in Homer, that "some scholars have tried to see further meaning . . . in these passages . . . [but] have no right to read such meanings into any Homeric passage."[24] Advancing his own point concerning the normative sense of δίκη, Ostwald states the following in an illuminating warning about the distortion of the Greek mind which could result from an overly analytic separation of δίκη and θέμις:

> The distinctions we have been drawing between the use of *themis* and *dike* in different spheres of human life obviously do violence to the cultural context in which they belong. For while we have to differentiate the constitutional, religious, legal, and social aspects of these terms in order to make them comprehensible to ourselves and to find equivalents for them within our conceptual framework, the differences among these areas of life were less distinct for the Greeks of the early archaic period. For them *themis* and *dike* were each one concept, regardless how they were applied in a particular case. The truth of this is particularly evident as we now turn to the uses of *themis* and *dike* to describe certain social features of life and certain ways of human behavior. Both *themis* and *dike* in this field treat *behavioral norms as immutable and perennial parts of the universe within which man has been placed and without which community life would cease to function.*[25]

One of the most striking examples of this usage of δίκη is in *Odyssey* 19.43 where Odysseus explains to an amazed Telemachos that it is the δίκη of immortals to be perceptible to humans by radiant light. This is δίκη almost in the sense of a true natural law, i.e. a physical law of nature. This kind of δίκη expresses an innate mark of a group or species, not of individuals. In some cases deviation from this δίκη is not a matter of right or wrong but in other cases it is. Thus it is the δίκη of mortals that in death their flesh burns and their souls fly off like dreams (*Od.* 11.218–22). Deviation from δίκη

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[23] Ostwald 1973–74, 677 (emphasis in the original).
[24] Gagarin 1973, 83.
[25] Ibid. (emphasis added).

here is morally neutral. However, in the case of the suitors in the *Odyssey* deviation is immoral. By consuming the property of another man rather than providing gifts for the bride-to-be, they deviate from the δίκη of suitors of past times (*Od.* 18.275–80) and, thus, are evil. In another instance a ruler is regarded as a bad king who deviates from the δίκη of kings by treating his subjects whimsically or arbitrarily (ἐξαίσιον) (*Od.* 4.691–92). All of these examples implicate social mores which go to the heart of the underlying order of Greek social and civic life.

Ostwald believes that there is an essential connection between the specific juridical uses of δίκη and these uses which indicate immutable social norms. Gagarin, far from agreeing with Ostwald, denies the very possibility that δίκη can express anything like immutable norms. For him the meaning of δίκη is strictly and solely confined to the legal context. This opposition reflects a profound difference in the understanding of the capacity of the archaic Greek mind which is worth a brief excursus.

Gagarin stated in his article "*Dike* in the *Works and Days*" that "δίκη does not apply to actions outside this narrow area of law and does not have any general moral sense."[26] He attempts to demonstrate his position by a strict lexicographical method which hides a tacit and a priori philosophical assumption that neither Homer nor Hesiod could have conceived or formulated the kind of abstract notions that Ostwald was able to identify in their usage of δίκη.

One source for such a limiting philosophy is the work of E.A. Havelock, most especially, his book *The Greek Concept of Justice: From its Shadow in Homer to Its Substance in Plato*. Although this book was published after Gagarin's work on δίκη, Gagarin was aware of and connected with the development of its argument.[27] Havelock's full presentation is complex, but a succinct description of his principle argument is possible. For Havelock the archaic poets are participants in a pre-literate society, and the content of their words are circum-

[26] Gagarin 1973, 81.

[27] Havelock 1978, vii: "I would also acknowledge the company and criticism that have been afforded me by some scholars of a younger generation who have had the patience in recent years to listen, to comment, and to correct many things that I have said and written and which in their amended form are implicit in this book. To . . . [list of names], Michael Gagarin . . . [continued list] I am specially indebted for assistance rendered in this manner, through personal communication and by their published writings."

scribed by the mechanisms of pre-literate modalities. Havelock treats these modalities in the first six chapters of his book to set up his more specific consideration of the meaning of δίκη in Homer, Hesiod, and Solon. Then he moves on to a consideration of the meaning of δίκη in the work of writers from the beginning of literate culture, the pre-Platonic philosophers, Herodotus, and Aeschylus. Havelock's point is that the mechanisms of oral poetry for the transmission of knowledge are suited only to the delivery of concrete procedural or behavioral models. These models serve a specific didactic function in directing the behavior of members of the pre-literate society in given situations. This kind of poetry is not capable of formulating abstract or systematic norms of legal or moral behavior, and therefore one cannot find in Homer or Hesiod any concept equating to the modern sense of "justice" as an abstract philosophic ideal. Some such principle as this underlies Gagarin's restrictive lexicography of δίκη.

One can see an example of the effect of this limiting philosophy by comparing Gagarin and E. Wolf in *Griechisches Rechtsdenken* (1950 and pre-Havelock) on the meaning of δίκη in *Iliad* 19.180–81. After the reconciliation of Agamemnon and Achilles, Odysseus exhorts Achilles to accept Agamemnon's settlement gifts 1) so that Achilles will lack nothing of his δίκη and 2) so that Agamemnon may be δικαιότερος ἐπ' ἄλλῳ. The full context is:

> αὐτὰρ ἔπειτά σε δαιτὶ ἐνὶ κλισίῃς ἀρεσάθω
> πιείρῃ, ἵνα μή τι δίκης ἐπιδευὲς ἔχῃσθα·
> Ἀτρείδη, σὺ δ' ἔπειτα δικαιότερος καὶ ἐπ' ἄλλῳ
> ἔσσεαι·
>
> (*Il.* 19.179–182.)

> . . . Then, as a peace offering,
> let him present you a lavish feast in his tents
> so you won't lack your just deserts at last.
> And you, great son of Atreus . . .
> you be more just to others from now on.
>
> (Fagles, 494)

Given his unstated philosophy of the archaic mind, Gagarin need only fit the text to his limiting principle and thus takes a narrow view of the meaning of δίκη in this passage, saying:

> δίκη itself retains its basic meaning of "ruling, settlement," though this meaning is extended in various ways. First of all, in *Iliad* 19.180 after Agamemnon and Achilles are reconciled, Odysseus bids the former

> give the latter a feast as well as the many gifts, "so that you (Achilles) may lack nothing of your settlement." Here δίκη as "settlement" takes on the meaning of "what is owed someone as a result of a settlement."[28]

Accordingly Gagarin interprets δικαιότερος in the same passage simply as "less quarrelsome."[29] Gagarin needs no analysis of the entire rich complex of social relationships, qualified by battle-field exigencies, nor discussion of precisely what lies behind the rift between Achilles and Agamemnon, two basileis in a setting where juridical formats do not seem to have a place. The reason is that, for him, δίκη can have no significant meaning outside a limited juridical context. Given his unstated assumptions, the lexicography fits adequately.

E. Wolf, on the other hand, free from an underlying limiting philosophy, can offer a far richer interpretation of the import of δίκη in this same passage, one which links the particular semi-juridical sense of 'claim' to the wider social context. In Wolf's interpretation, by the way, one begins to see how the more concrete senses of δίκη can be related to the larger normative senses identified by Ostwald. A similar result will prove (in Chapter V) to be possible for Solon. Wolf says that δίκη in the above passage is a claim for the satisfaction of a shortfall which is an obligation belonging specifically to the claimant, who need not be a strict juridical claimant.[30] The specific shortfall, namely, the deprivation of Briseis and the τιμή she represents is defined precisely by the relationship between Achilles and Agamemnon as supreme basileus and associated basileus in an allied invading army. By satisfaction of his claim, Achilles is restored to his honored place in the alliance of kings. Moreover, Wolf explains that by restoring Achilles' δίκη Agamemnon showed himself not only to be a just man, but a just judge. He showed himself, therefore, also to be a just king, since judgment is one of the functions of the basileus, even though in the context of *Iliad* 19.180 this function is not exercised in a specific judicial capacity. Through his right judgment, he restored his own place as basileus in the society of the invading army, making him more just. So Wolf says: "Das gibt ihm unter den Heergenossen verstärkes Ansehen und damit "mehr δίκη", er wird zum ἀνὴρ δικαιότερος."[31] (This gives to him among his fel-

[28] Gagarin 1973, 85.
[29] Ibid., 87.
[30] Wolf 1950, 85.
[31] Ibid., 87.

low basileis a strengthened appearance and with it more δίκη, i.e. he becomes an ἀνὴρ δικαιότερος.) The notion expressed in Achilles' δίκη and in Agamemnon δικαιότερος encapsulates the idea of the proper social order of an invading Achaean army on foreign soil. Wolf's view of δίκη as claim, a rendering which Gagarin would accept, has a meaning beyond the specific juridical idea, emphasizing δίκη as an immutable and permanent aspect of deep-rooted, societal/military custom. In re-establishing the proper order in the Achaean camp, Agamemnon brought the concrete, particular order back into conformity with the universal order, a meaning Ostwald would have understood and accepted as well.

This line of interpretation practiced by Wolf, which connects the more specific senses of δίκη with the more abstract, continues to be fruitful when applied to derivatives of δίκη such as its adjective δίκαιος. For Wolf the point of departure is simple and philological: "Wer 'δίκη' zu üben weiß, gewährt und hochachtet, ist ein 'δίκαιος'."[32] (He who knows how to do δίκη, grant and respect it, is a δίκαιος.) An example from Homer will suffice.

In *Odyssey* 2.281–82 Athena in the form of Mentor speaks to Telemachos about the outrages of the suitors. Let alone their plan and intent, she says, for they are thoughtless and without justice:

> τῶ νῦν μνηστήρων μὲν ἔα βουλήν τε νόον τε
> ἀφραδέων, ἐπεὶ οὔ τι νοήμονες οὐδὲ δίκαιοι.
>
> Therefore let the plan and the thought of the suitors go,
> Mad as they are, since they are neither thoughtful nor just.[33]

The suitors, by virtue of their status as men who have taken up the wooing of the lost king's wife, have a relationship defined by societal norms with each of Penelope, Telemachos, and Odysseus. This relationship defines the claim that these three have in reference to the suitors for the expectation of correct conduct and, later, against them for violation of that expectation. It is in this sense that Wolf

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[32] Wolf 1950, 113. Wolf says the same thing about the meaning of δίκαιος in Hesiod except that he correctly sees the more pragmatic nature of Hesiod's endeavor in poems like *Works and Days* compared to those of the Homeric epics. He says, (142): "Wer seine δίκη kennt und zu fordern weiß, wer dementsprechend auch anderen ihre δίκη zu lassen oder zu gewähren versteht, ist 'ein δίκαιος'." (He who knows his δίκη and knows how to demand it, he, accordingly, who understands how to permit or grant to others their δίκη, is a δίκαιος).

[33] Cook 1993, 19.

sees his way clear to calling this claim a "δίκη," saying: "dem (i.e. to Telemachos) auf der Agora seine 'δίκη' von den Freiern und von der Volksversammlung verweigert worden ist."[34] (The citizens and the assembly denied to him in the agora his δίκη.) Wolf understands the question, "why are the suitors οὐ δίκαιοι?" in terms of their obligations to both know the norms expected of suitors and to act in accordance with that knowledge. The suitors have openly and insolently disregarded these norms. According to inveterate aristocratic custom (adlige Sitte) the suitors should have brought gifts to Penelope and treated her respectfully, should not have taken from the estate of Odysseus without replacing what they consumed, and should not have plotted evil against Telemachos.[35] For Wolf the correlation "οὔ τι νοήμονες οὐδὲ δίκαιοι" indicates that "δίκη und νοῦς gehören zusammen,"[36] i.e. belong together. Knowledge of the norms of society allows one to know what is due to one's self and to others, thus making one able to practice justice and thus to be a just man. Here again the idea of δίκη as 'claim' does not exist in the vacuum of mere legal procedure but draws its essence from the norms of societal behavior.

So Wolf says, again explaining the correlation between νοήμων and δίκαιος:

> Nur der Vernüftige erkennt, was "δίκη" für ihn und für die anderen ist, dem Sinnberaubten bleibt es verschlossen. Zum Wesen des Menschen gehört die Vernunft; sie lehrt ihn, was ihm und den anderen jeweils wesensgemäß zukommt.[37]
>
> Only the reasonable person recognizes what δίκη is for himself and for others. For the one who lacks perception, δίκη remains a mystery. Reason belongs to the nature of man; it teaches him what is suitable to him and to others according to the measure of nature.

In contrast, Gagarin's complete analysis of *Odyssey* 2.281–82 follows from his restrictive philosophy for the reading of archaic texts. Because δίκη can mean "characteristic behavior," δίκαιος means "behaving properly" (and ἄδικος, behaving improperly); because δίκη can mean "legal settlement or legal process," δίκαιος means peaceful, not quarel-

[34] Wolf 1950, 113.
[35] Ibid.
[36] Ibid., 114.
[37] Ibid.

some (and, again, ἄδικος, not peaceful, but quarrelsome).[38] Therefore, for Gagarin, the suitors in Odyssey 2.281–82 are, simply, not properly behaved. Gagarin can certainly see the possibility of a relationship between the language of legal claim and societal propriety, but he does not believe that archaic poets had the cultural or cognitive capacity to express such ideas.

The above discussion indicates that the view of the meaning of words is highly dependent upon the underlying theory of interpretation. It also shows that it is possible to connect the more specific juridical senses of δίκη to an overall ethic of immutable social norms."[39] This realization brings the discussion back around to the Odyssean Polyphemus because it is in Homer's treatment of the Cyclops that one is able to find the connection between δίκη as an immutable social norm and δίκη as a more strictly limited juridical concept.

In the *Odyssey* Homer contrasts the insularity of the Cyclops with the sociality of men. There the Cyclops is distinguished as savage and inhuman because he does not know δίκας καὶ θέμιστας (*Od.* 9.215), the norms of the life of political discourse.[40] In Ostwald's view of the archaic Greek mind these δίκαι καὶ θέμιστες are immutable and perennial parts of the universe just like the δίκη of the radiant goddess or the whimsical king or the stability of order implied by the rule of law. These norms implicate, in part at least, the civilized life of human society under the aspect of order. Wolf defined this order and showed perhaps more explicitly than Ostwald the relation between normative and juridical δίκη. For Wolf it is the inveterate norms of archaic society that give definition to δίκη as 'claim.' This is true whether the claim has reference to society in general, to individual men, or, indeed, to one's own duties. Therefore, the order defined

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[38] Gagarin 1973, 86 and 1974, 188.

[39] It is impossible, of course, to argue here against the Havelockian view of archaic incapacitates, and against other restrictive views resting on theories much simpler than the complexities of Havelock's pre-literate communication. One such simpler theory, for example, is that of K. Latte in *Der Rechtsgedanke im archaischen Griechentum* who says that "Homeric man lacks any inner consciousness of what is right." See Dickie, 92, citing K. Latte's work at A&A 2 (1946), 65. Dickie in his article "*Dike* as a Moral Term in Homer and Hesiod" reacted directly against Gagarin's limited view of the meaning of δίκη in archaic writings. He attacked one of the possible limiting principles by arguing that Homeric society was a place where the actors did have moral internal imperatives. His argument is both philosophic and philological, but he does not address the different limiting principle of Havelock's work.

[40] Ostwald 1973–74, 678.

by general societal norms is but a more generic form of the specific order embodied in juridical claims and the processes of dispute resolution. Hesiod, himself, seems to say something like this when he makes the possession of δίκη, in its sense as "rule of law,"[41] the characteristic differentiating man from animal. It becomes clear that δίκη was in the Greek mind a fundamental and defining characteristic of organized society. In this the circle closes, for δίκη represents something of divine origin and therefore something immutable and permanent. The same immutable and permanent ideal is reflected in the particular juridical instances of δίκη in social life, and especially, in the new and developing life of the polis, which Hesiod knew better than Homer, and Solon better than both.

Section 2: *The Framework of Dike in Solon's Political Poems*

In Solon's political poems the word δίκη occurs in fragment 4 at line 14, personified as the daughter of Zeus, in a description of how the rich do not guard the foundations of Δίκη, and at line 36 where the immediate context is that Εὐνομίη makes crooked δίκας straight.[42] The word δίκη occurs in fragment 13 only at line 8 meaning delayed retribution for present unjust acts. It occurs in fragment 36 at line 3 in the famous phrase ἐν δίκῃ Χρόνου, at line 16, where Solon says that he accomplished his tasks by harmonizing βίην τε καὶ δίκην, and at line 19 where Solon says that his laws "provide"[43] εὐθεῖαν δίκην for every individual. These are the only places in the fragments, six in all. Words derived from δίκη occur with a slightly greater frequency. There are four forms, twelve occurrences, which one finds, in order of frequency, in the following fragments:

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[41] Hes.*Od.* 274–280; Gagarin 1973, 89.

[42] Political poems means all of the fragments which are reasonably connected to the tradition of Solon's political work. Besides the obviously important and longer frs. 4 and 36, there are: fr. 4c, concerning moderation among the elite; fr. 5, concerning balance between the interests of the elite and the demos; fr. 6, concerning principles of political rule and obedience; fr. 9, concerning tyranny; fr. 11, also concerning tyranny and possibly referring to Peisistratus; frs. 12 and 30, which, although hopelessly short, contain words derived from δίκη; fr. 15, referencing the ἀγαθοί and the κακοί in a possible political sense; frs. 32–34, concerning tyranny and reaction to Solon's reforms; and fr. 37, concerning Solon's response to some of his critics. Although reference to some other of Solon's poems occur, the main focus of analysis is on these political fragments.

[43] Linforth, 139, translating ἁρμόσας as "provide."

ἄδικος-words and ἐκδίκως: Frs. 4.7, ἄδικος νόος; 4.11, ἀδίκοις ἔργμασι; 4.33, τοῖς ἀδίκοις. Fr. 5.6, νικᾶν ἀδίκως. Fr. 13.7, ἀδίκως πεπᾶσθαι; 13.12, ἀδίκοις ἔργμασι. Fr. 30: ἀρχῶν ἄκουε καὶ δίκαια κἄδικα. Fr. 36.9, ἀνήγαγον πραθέντας, ἄλλον ἐκδίκως.

δίκαιος-words: Fr. 12.2, θάλασσα . . . /πάντων ἐστὶ δικαιοτάτη. Fr. 30, ἀρχῶν ἄκουε καὶ δίκαια κἄδικα. Fr. 36.9–10, ἀνήγαγον πραθέντας . . . /ἄλλον δικαίως.

ἀδικέω: Fr. 4.22, ἐν συνόδοις τοῖς ἀδικέουσι φίλους.

Fragment 4 is the most important poem for forming a framework of the meaning and implications of δίκη in Solon's political poems. Solon shows therein that certain actions destroy the foundations of δίκη in Athens. Thus by knowing which destructive acts are opposed to δίκη it is possible, by argument from opposites, to examine the positive nature of δίκη in Solon's thinking. Solon often describes these destructive actions as ἄδικα. As Ostwald and Wolf showed above there is often an association in meaning between δίκη and its derivatives such that the meaning of the one throws light on the meaning of the other. Thus a meaningful, albeit contrapositive, association exists between the political foundations of δίκη and both those actions which Solon calls ἄδικα and those which are depicted as destructive of σεμνὰ Δίκης θέμεθλα in the polis (fr. 4.14). Since this association occurs in this seminal political poem, the link between δίκη and its opposites becomes a foundational aspect of the logic of Solon's poetics of δίκη. The elucidation of this logic in fragment 4 opens the way to identifying a network of interconnected ideas, images, and motifs in all of Solon's political fragments. These interconnections reveal a terminology and the general connections which leads to a framework for the meaning of δίκη according to the internal logic of the fragments. The following argument is limited to establishing this framework which, in turn, will serve the more important goal (in Chapter V) of reading fragments 4 and 36 in light of the polis idea.

The fundamental point of fragment 4 is that, contrary to traditional understanding, the destruction of the polis is never the result of divine agencies (fr. 4.1–4), but purely the result of the destructive acts of the very citizens of the polis (fr. 4.5). Solon calls the particular destructive acts ἄδικα ἔργματα (fr. 4.11), and he calls the human capacity from which these acts arise ἄδικος νόος (fr. 4.7). In the poet's mind this capacity and these acts are unequivocally destructive of σεμνὰ Δίκης θέμεθλα (fr. 4.14) and, consequently, are the causes

of heinous evils in the polis (fr. 4.18: κακὴν δουλοσύνην; 19: στάσιν ἔμφυλον πόλεμόν θ'; and 24–25: ἱκνέονται πολλοὶ γαῖαν ἐς ἀλλοδαπὴν/ πραθέντες δεσμοῖσί τ' ἀεικελίοισι δεθέντες). It is therefore reasonable to assert as a principle of the internal poetics that Solon intends any attitude or action described as ἄδικα or as destructive of the political order to be understood as destructive of foundational political δίκη. It is also reasonable to understand anything strictly opposite to such destructive acts as constitutive of or consistent with such foundational δίκη.

One of the most important and most recurrent themes in the political fragments is the destructive effect of the pursuit of partisan interest over the good of the political community. In this context there is a general distinction between the demos and a more exclusive group of citizens who pursue their own interests in various ways at the expense of the demos and the polis as a whole. It is clear enough that Solon regards this group as elite in comparison to the demos at large.[44] It is these elite whom Solon most often depicts as destructively self-interested. Their inordinate pursuit of physical wealth, in fact, is the emblem in fragment 4 of the theme of anti-political activity. Solon specifically condemns this inordinateness as ἄδικα, and this collective abstraction becomes the representative symbol of all the various modes of arrogance which are destructive of the foundations of political δίκη. Thus in fragments 4.11 and 15.1 Solon associates the elite's pursuit of wealth with injustice (ἀδίκοις ἔργμασι) and evil (κακοί), and in fragments 4.5–8, 5.3–4, and 15.2–4 he associates the possession of wealth with the destruction of the polis (φθείρειν μεγάλην πόλιν), unseemliness (ἀεικές), and immoral activity (οὐ διαμειψόμεθα/τῆς ἀρετῆς τὸν πλοῦτον), respectively. In fragment 4.11 Solon epitomizes the greed of the elite group by specifically connecting their self-interested pursuit of wealth with injustice: "ἀστοὶ . . . πλουτέουσιν δ' ἀδίκοις ἔργμασι πειθόμενοι" (fr. 4.6, 11).[45]

[44] Thus in fr. 4 it is the ἀστοί who pursue partisan interests (v. 6), and it is the demos who suffers the resultant political evil (v. 23). In fr. 5 those who hold authority (v. 3) are distinguished from the demos (v. 1). In fr. 6.1 the demos is distinguished from its leaders. In fr. 9 the "great men" of the city (v. 3) are distinguished from the demos who suffer political slavery (v. 4). In fr. 36.18 the agathoi are distinguished from the kakoi. Fr. 37 distinguishes the demos (v. 1) from those who have greater power (v. 4).

[45] Even if "ἀστοί" here means both the elites and the demos, it still proves the point for the elites. The avariciousness of the demos comes later in the discussion.

Solon describes elite partisan self-interest in terms of extreme deviation from social norms. As to its pragmatic form it is a kind of rapacious theft (fr. 4.13: κλέπτουσιν ἀφαρπαγῇ; fr. 34.1: οἱ δ' ἐφ' ἁρπαγῇσιν ἦλθον· ἐλπίδ' εἶχον ἀφνεήν). As to its moral form it is an outrageous self-centered arrogance, motivated by the desire to become satiated with the goods provided by organized political life. Thus, this extreme self-interest is associated with the notions of ὕβρις and κόρος, and these qualities become an image for the destruction of political δίκη.[46] The totality of the evil implied in these notions is summarized as ὑπερήφανα ἔργα (fr. 4.36). It is also worth noting that at the level of personal ethics in fragment 13, Solon says three things about avaricious insolence, and in particular, the inordinate pursuit of wealth: 1) it leads to ἄτη (fr. 13.13); it is characteristic of the morally κακοί (fr. 15.1); and it is the opposite of ἀρετή (fr. 15.3). Furthermore, elites who possessed wealth and power in this way were unseemly (fr. 5.4, καὶ τοῖς ἐφρασάμην μηδὲν ἀεικὲς ἔχειν). In Solon's poems the primary source of all such anti-social, extreme activity is an ἄδικος νόος (fr. 4.7). This ἄδικος νόος is neither ἄρτιος (fr. 6.4) nor ἐν μετρίοισι (fr. 4c.3). Because the social consciousness of the elite, i.e. their political νόος, is ἄδικος, and neither ἄρτιος nor ἐν μετρίοισι, they cannot see or are hardened against seeing that their actions are destructive of the common good of the polis. Because of the corrupted state of their socio-political conscience, they are susceptible to the influences of private wealth and self-serving deeds that undermine the preservation of the foundations of δίκη in the polis. Thus in fr. 4 the corruption of political conscience (ἄδικος νόος, v. 7) allows the elite to be overcome with the desire for wealth (χρήμασι πειθόμενοι, v. 6) and for interests which tend to the destruction of the social unity (αδίκοις ἔργμασι πειθόμενοι, v. 11). Solon's word, πείθεσθαι, is a function of the capacity of νόος; this he implies by calling νόος, ἄδικος, and by saying that men can be "persuaded" by things which

[46] Thus in fr. 4 the acts of elite which are destructive of the city (v. 5, φθείρειν μεγάλην πόλιν) are attributed to ὕβρις and unrestrained κόρος (v. 8, ὕβριος ἐκ μεγάλης; v. 9, οὐ γὰρ ἐπίστανται κατέχειν κόρον). Although the context of fr. 4c is not unequivocally clear, it can plausibly be read as an exhortation to the elite to correct their avarice which is defined in terms of the desire for excess: "οἳ πολλῶν ἀγαθῶν ἐς κόρον ἠλάσατε" (fr. 4c.2). Fr. 6 states that excess begets insolence (v. 3, τίκτει γὰρ κόρος ὕβριν); although this idea cannot clearly be attributed to elite excess in this fragment, it is a product of an unbalanced mind (v. 4, μὴ νόος ἄρτιος ᾖ), which is an aspect of the general ἄδικα associated with the destruction of the foundation of δίκη in the polis.

are ἄδικα. The will of men is similarly subject to corruption in the arena of personal ethics, and Solon uses similar language to describe this corrupted state. Thus in fragment 13 the opposite of desiring physical wealth in a measured and proportionate way is to be subject to corrupting ideas (ἀδίκοις ἔργμασι πειθόμενοι, v. 11).

The members of this elite group in the political fragments, therefore, are perpetrators of various modalities of ἄδικα, and, thus, destroyers of the polis. The imagery of this destruction pervades the political fragments. Sometimes Solon states this explicitly, sometimes he implies it by reference to the proximate evil which causes the ultimate destruction of polical δίκη. In fragment 9.3, elite ἄδικα destroys the city: "ἀνδρῶν δ' ἐκ μεγάλων πόλις ὄλλυται." In fragment 4.18 elite ἄδικα brings debilitating slavery to the polis: "ἐς δὲ κακὴν ταχέως ἤλυθε δουλοσύνην;"[47] and in fragment 9.3–4 the same ἄδικα enslave the demos as well: "ἐς δὲ μονάρχου/δῆμος ἀιδρίῃ δουλοσύνην ἔπεσεν."[48] In fragment 4.24 and 36.9 slavery is no longer a metaphor as Athenian citizens become chattel for the foreign slave markets. Elite ἄδικα, which cause the conditions of slavery, create, in turn, internecine strife which brings the conditions of war into the heart of the polis, destroying the flower of its vitality: "ἣ στάσιν ἔμφυλον πόλεμόν θ' εὕδοντ' ἐπεγείρει,/ὃς πολλῶν ἐρατὴν ὤλεσεν ἡλικίην" (fr. 4.19–20); and such ἄδικα also destroys the bonds of friendship, which holds the polis together: "ἐκ γὰρ δυσμενέων ταχέως πολυήρατον ἄστυ/τρύχεται ἐν συνόδοις τοῖς ἀδικέουσι φίλους" (fr. 4.21–22).[49] The most emblematic mark of these evils is ugly political disunity (4.37: ἔργα διχοστασίης).

The effect of elite ἄδικα is a pervasive debilitation of the structure of the polis. Solon portrays this debilitation as a malignant personification which he calls Δυσνομίη. This evil usurper of Δίκη

[47] See Linforth, 201 commenting on this line: "The subject of ἤλυθε is ἡμετέρη πόλις understood from πόλει in the preceeding line and uppermost in the mind of Solon throughout the poem.

[48] For the enslavement of the citizens see also fr. 36.13: "τοὺς δ' ἐνθάδ' αὐτοῦ δουλίην ἀεικέα/ἔχοντας."

[49] The text here is problematic. Of the text which West prints Diels wrote: "haec omnia (including φίλους as the last word) vana esse somnia statim intelleget si quis rei metricae animum adverterit." (That all these variants are empty dreams one will immediately understands if one pays attention to the meter.) Be that as it may, I would translate the text which West prints: The lovely city is laid waste, as if by enemies in war (ἐκ δυσμενέων), when citizens gathering in governance (taking συνόδος in a political sense) disregard the requirements of political friendship (i.e. do wrong to their *fellow* citizens, i.e. their friends = φίλους). Cf. Arist.*EN* 1155[a] 22–23 for φιλία and δικαιοσύνη as equally important political forces sustaining the viability of poleis.

brings countless evils to the city: "ὡς κακὰ πλεῖστα πόλει Δυσνομίη παρέχει" (fr. 4.31). Solon creates the imagery of an irreparable torrent of evil which touches every one and every part of the polis. The evil is unavoidable: "ἄφυκτον (fr. 4.17)," and pervasive in its reach: "ἔρχεται οἴκαδ᾽ ἑκάστῳ" (fr. 4.26); "ἐν μυχῷ ᾗ θαλάμου" (fr. 4.29). By opposition, the salutory effect of the actions of the elite which are δίκαια would be equally pervasive in the good polis, and the image of this condition of political health is the personified Εὐνομίη (fr. 4.32), the good sister of Δυσνομίη.

The elite were not alone in contributing to the debilitation of the polis, but the demos played its part as well. The demos itself participates in the self-interested graspingness and the ignorance of mind that contributes to the destruction of the foundations of δίκη. In fragment 6 Solon teaches that the special virtue of the demos is obedience to rightful and rightfully implemented authority. This fragment defines such authority as the balancing of freedom and restraint. Some restraint must be imposed on the demos. They cannot be given too much freedom since they are inclined to unruly graspingness when left unchecked: "τίκτει γὰρ κόρος ὕβριν, ὅταν πολὺς ὄλβος ἕπηται/ἀνθρώποις ὁπόσοις μὴ νόος ἄρτιος ᾖ" (fr. 6.3–4). Thus the demos can exhibit in its subordinate and more passive capacity the same sociopathic vices, namely, κόρος and ὕβρις, which the elite exhibited in the more active manner suited to their position of power. These vices flow in the demos, as they did among the elite, from an equally deficient ability to understand the nature and exigencies of political δίκη. That is, they flow from a "μὴ νόος ἄρτιος" (fr. 6.4), which should be compared to the νόος ἄδικος of fragment 4.7. This same tendency shows itself in the demos's dissatisfaction with its gains in Solon's reforms. In fragment 37 it is clear enough that the demos was a force bent on acquiring unlimited advantage with no eye to the good of the whole political community. Thus Solon declaiming, one could imagine, in the center of the agora, publicly rebuked the demos for grasping at greater advantage than he gave them through his reforms: "δήμῳ μὲν εἰ χρὴ διαφάδην ὀνειδίσαι/ἃ νῦν ἔχουσιν οὔποτ᾽ ὀφθαλμοῖσιν ἂν/εὕδοντες εἶδον . . ." (fr. 37.1–3).[50]

[50] For the image of Solon publicly rebuking the demos from a declaiming spot in the agora see fr. 1 and Plut.*Sol.* 8.2, which contains the phrase, "ὄχλου δὲ πολλοῦ συνδραμόντος ἀναβὰς ἐπὶ τὸν τοῦ κήρυκος λίθον ἐν ᾠδῇ διεξῆλθε τὴν ἐλεγείαν" ("After a large crowd had collected there, he got upon the herald's stone and recited the

If one knows evil, one knows good by opposition. Therefore, by argument from opposites, the positive terminology and poetic logic of δίκη become clear. It is an interesting fact that, with the exception of the encomium of Εὐνομίη in fragment 4, Solon approaches the subject of δίκη from its negative side. He tends to describe more how cities and citizens fail of δίκη than how they achieve it. Solon's is not a poetics of utopia, but a didactics for politically troubled times.

The first principle of polis life founded on δίκη is the direct opposite of νόος ἄδικος, namely, νόος ἄρτιος, which Solon names in fragment 6.4. This same fragment also teaches that the first positive directive of νόος ἄρτιος is balance and proportionality between the elite and the demos. The high-born and politically capable should rule the polis and should rule it well by being good leaders of the demos. They do this by properly balancing freedom against restraint. In return for such good leadership, the demos should be good subjects by obeying their proper leaders. This order, proceeding as it does from νόος ἄρτιος, ensures that Δίκη stays at the foundation of polis life. The obligation of the demos to obey rightful elite authority and of the elite to rule well is the political ethic that creates the best conditions for the polis (ἄριστα, fr. 6.1). Solon himself attempted to practice a similar political ethic in his reforms by balancing force and justice, as he tells us in fragment 36.15–17: "ταῦτα μὲν κράτει/ ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας/ἔρεξα." This political ethic is a principle effect of νόος ἄρτιος and therefore a principle effect of fundamental political δίκη.

The first directive of this political ethic is that the ἡγεμὼν δίκαιος must avoid ὕβρις and κόρος (*cf.* fr. 6.1). "Ethical" here must be seen in a political light. It is an ethic appropriate to an elite ruler, first, as a member of the polis community, and, then, as a leader of the demos. It is an ethic that will color and direct his pursuit of wealth (*cf.* fr. 4.11) his possession of power (*cf.* fr. 5.3), the character of his greatness (*cf.* fr. 9.3), and his disposition toward the commonality or the κοινωνία of the polis. It is an ethic which renders him ἀγαθός rather than κακός in reference to those public actions which affect the life of the polis (*cf.* fr. 15.1). Such an ethic defines his political

poem." [Perrin, 421–423].) For Sol. 37.1–3 quoted in the text see Linforth, 138 and 191, translating εὕδοντες as "in their dreams" drawing on Crusius's proposal for the missing half line, "ἐν πύλῃσ' ὀνειράτων," which comes from *Od.* 4.809.

ἀρετή (*cf.* fr. 15.3) and will cause him to make all things in the polis ἄρτια καὶ πινυτά (*cf.* fr. 4.39). The opposite of all those ἄδικα which defined the grasping, self-interested ethic of the unjust elite, tearing up, as they did, the roots of δίκη, become the δίκαια of the true political δίκη. These δίκαια are twofold: 1) temperate freedom for the demos and for the polis itself (*cf.* fr. 36.7, 15) and 2) the abolition of the conditions of slavery (*cf.* frs. 4.18, 25; 9.4; 11.4; 36.9) and of tyranny. Each tend to the preservation of the foundation of δίκη in the polis (*cf.* fr. 4.14). These δίκαια, therefore, ensure the stability of the polis and guard against its destruction (*cf.* fr. 9.3).

The hymn to Εὐνομίη in fragment 4 confirms the results of this positive poetics of δίκη derived from the logic of opposition. In defining the effects of political δίκη, this poem is both a prophecy and a warning. The fragment as a whole falls into five parts centered around the image of the destruction of the foundations of δίκη in the polis. It proceeds linearly to the encomium of Εὐνομίη as its culmination. In lines 1–5, Solon reveals to the Athenian citizens that human agency, not divine agency, is the cause of the political crisis which is tearing at the very fabric of the polis. In verses 6–13, he indicts the arrogant and overweening ethic of the elite as the primary cause of this destruction. In verses 14–16, Solon asserts that the actions proceeding from this arrogance destroy the foundations of δίκη in the polis. In verses 17–31, he completes the prophetic warning by personifying Δυσνομίη as the emblem of the polis without δίκη. Δυσνομίη, both as the image of an evil twin of Εὐνομίη (and therefore an evil sister of Δίκη) and in its notional content, epitomizes the conditions of injustice in the polis caused by unjust human actions. Since Solon places the hymn to Εὐνομίη in verses 32–39, immediately after the introduction of Δυσνομίη, the good sister of Δίκη, namely, Εὐνομίη, becomes, both in image and in content, the epitome of the polis in which the foundations of δίκη are deeply rooted.

In a remarkable irony of reversal, Εὐνομίη puts fetters around those who have perpetrated ἄδικα in the first part of the poem, namely the grasping, self-interested elite: "καὶ θαμὰ τοῖς ἀδίκοις ἀμφιτίθησι πέδας" (fr. 4.33). They now suffer the slavery and destruction which their actions brought to the polis. Εὐνομίη, doing away with the evil of self-interest, actually abolishes all slavery in the polis. In her polis, i.e. the polis where the foundations of δίκη are sound, there is no ὕβρις or κόρος or διχοστασίη (fr. 4.34, 37). All things in

such a polis are ἄρτια (fr. 4.39), both the minds of the people and political conditions which obtain as a result of sober attention to the common good. Thus the argument from opposites is confirmed by the hymn to Εὐνομίη. The characteristics of the polis in which the citizens preserve σεμνὰ Δίκης θέμεθλα are the substitution of νόος ἄρτιος for νόος ἄδικος and the consequent absence of ὕβρις, κόρος, δουλοσύνη, στάσις, πόλεμος, and in general, the absence of all ἔργα ὑπερήφανα καὶ ἄδικα. The state of affairs which prevails is ἄρτια and the agency from which it proceeds is νόος ἄρτιος.

Εὐνομίη is responsible for one positive achievement which does not have a negative counterpart in the political fragments. In fragment 4.36 she is said to straighten crooked δίκας ("εὐθύνει δὲ δίκας σκολιάς"). Here δίκας has its standard juridical meaning of verdicts or judgments, as per Ostwald and Gagarin's analyses above. Since Εὐνομίη causes verdicts to be straight, εὐθεῖαι δίκαι are constitutive of the foundations of political δίκη.[51] Reversing the method for a moment, from the positive we infer the negative. By this reverse opposition, δίκαι σκολιαί are a characteristic of Δυσνομίη and of the polis in which ἄδικα injure the foundations of δίκη. Since the elite, namely the archons or the ex-archons in the Areopagus, were responsible for dispute settlement in Solon's Athens, this text implies that the same νόος ἄδικος, which caused them to act against the interest of political δίκη in other ways, also caused them to render crooked verdicts. Fragment 4.36 should be read together with fragment 36.18–20 where Solon uses the term "εὐθεῖαν δίκην," not in connection with juridical procedures, but with his written law code:

> θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι
> εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην
> ἔγραψα.

In this reference to written law there is no implication of proportionate equality. There is no hint of an equality between the demos and the elite as there was in Solon's more general discussion of demotic privileges (*cf.* fr. 5.1) and in his discussions of the ruling elite's grant of limited freedom to the demos (*cf.* fr. 6.1–2). It is also important to note the usage of the plural of δίκη in the juridical contexts and the singular in this reference to written legislation. The

[51] Cf. Hes.*Op.* 226 and 230.

singular here recalls Gagarin's sense of "rule of law." It is sufficient for purposes of this framework to summarize that εὐθείας δίκας and εὐθεῖαν δίκην are part of the ταῦτα ἄρτια which are the effects of political δίκη.

The quality signified by the adjective ἄρτιος describes the state of affairs produced in the polis founded on δίκη. This quality defines for Solon both a virtue of mind and an ordered state of affairs which exists in the polis when δίκη is respected. As applied to mind, νόος ἄρτιος signifies a form of pragmatic intellect which enables the leaders of the polis (i.e. the Athenian elite) to rule the demos with a proper balance between restraint and freedom (*cf.* fr. 6.1, 4).[52] It also enables the demos to be obedient. This balance of leadership and obedience is possible because the νόος ἄρτιος creates this very condition, first, within the moral character of the citizens themselves (*cf.* fr. 6.3), and then within the polis. Freed from grasping self-interest, the elite leader is no longer impeded from ruling with a sense of the proper balance between the competing, but rightful, interests of the demos. Thus he can lead with a view of the polis as a κοινωνία. Whence Solon teaches the elite in fragment 4c.3 that, although he is superior by birth and ability, he must exercise balance and a sense of proportion in his rule over the demos. He must exercise leadership in this way in order to merit the legitimate obedience of the demos and thus to bring about that kind of political order which can be described as ἄρτια: "ἐν μετρίοισι τίθεσθε μέγαν νόον· οὔτε γὰρ ἡμεῖς/πεισόμεθ', οὔθ' ὑμῖν ἄρτια ταῦτ' ἔσεται (fr. 4c.3–4)." The use of πεισόμεθα makes it clear that Solon is speaking about the polis, because obedience implies political structure. The use of τίθεσθε in the middle voice indicates that Solon is speaking about the good of the polis as a whole, the κοινωνία. The middle voice implies that the exercise of balance and proportion in rule, while a good for the demos, is also beneficial for the elite to whom the imperative, "τιθεσθε!" is directed. This implication is re-enforced by the dative of advantage ὑμῖν, i.e. conditions of good order will exist for the elite as well

[52] Although its value is diminished as much by lack of context as by West's "vix genuinum," fr. 30 may add to the evidence that Solon sees rule by elite citizens in terms of δίκη. In fr. 30, only one line long, Solon states: "ἀρχῶν ἄκουε καὶ δίκαια κἄδικα." If one takes ἀρχῶν to mean the offices of the magistrates (which only the elite could hold), then the fragment indicates that it is proper to describe acts of the magistrates in terms of δίκη.

as for the demos, if the elite possess a balanced political sense. The means to achieve these benefits is the suppression of arrogant self-interest—ὑμεῖς δ' ἡσυχάσαντες ἐνὶ φρεσὶ καρτερὸν ἦτορ (fr. 4c.1). The good of the whole polis, of both its human elements, the demos and the elite, is thereby preserved.

It is clear from the hymn to Εὐνομίη that the adjective ἄρτια describes the polis in which δίκη rests on a secure footing. The idea of ταῦτα ἄρτια includes the notions of proportion, balance, and correct order. The idea has two particular aspects, severally expressed by the adjectives εὔκοσμα and πινυτά. Thus the hymn is framed by these three terms chiasticly arranged, εὔκοσμα καὶ ἄρτια in the beginning (4.32) and ἄρτια καὶ πινυτά at the end (4.39). In general, the city of Εὐνομίη is the opposite of the city of Δυσνομίη. In this city there is no ἄδικα and no ὑπερήφανα ἔργα because there is no ὕβρις or κόρος in the elite rulers. Consequently, there is no division or stasis, and the polis is a true κοινωνία of ruler and ruled. (See fr. 4.34–37: Εὐνομίη . . . παύει κόρον, ὕβριν ἀμαυροῖ . . . παύει δ' ἔργα διχοστασίης.)

It is because the city of Εὐνομίη possesses a proper order that conditions in the city are called εὔκοσμα. When there is no unjust self-interest in the ruling class, their rule over the demos is good. When the rule over the demos is good, the demos are good subjects. This good order is precisely what εὔκοσμα means by force of its etymology: εὖ + κόσμος (a well-ordering).[53] Apparently Solon is the earliest extant writer to make use of the adjective εὔκοσμα in such a political sense.[54] He appears to be thinking of the polis as a particular kind of κόσμος, i.e. a particular arrangement of political parts. Solon's usage suggests a kind of constitutional order, perhaps anticipating the more technical sense of κόσμος found later in Herodotus and Thucydides.[55] The key to the constitution is the proper ordering of the demos to the elite rulers and vice versa. However, for Solon, the idea of a proper ordering of the two citizen-groups cannot be divorced from the internal motivations and the consequent external actions of the persons constituting these groups. This idea forms a

[53] Cf. LSJ, s.v. κόσμος, I.1; literally in *Od.* 13.77 κόσμῳ καθίζειν = to sit in order, said of the Phaeacian crew in their ship.

[54] LSJ, s.v., εὔκοσμος, cites no earlier instance than Sol. 4.33.

[55] Cf. LSJ, s.v., κόσμος, I.4, "of states, *order, government*," citing Hdt. 1.65 and Th. 4.76, 8.48, 67. Cf., also, Sol. fr. 1.2: "κόσμον ἐπέων."

link between the notion of εὔκοσμα as constitutional order at the beginning of the hymn and πινυτά at the end.

The word κόσμος can have an ethical sense which turns out to be similar to the ethical sense of πινυτά. In fragment 13.11, a more religious than political poem, Solon indicates that ὕβρις brings about effects which are οὐ κατὰ κόσμον, i.e. οὐ εὔκοσμα. In this context Solon contrasts wealth which is given to men by the gods with wealth which man acquires through hybris. The latter is acquired "unnaturally, contrary to the regular course of nature."[56] The opposition in fragment 13 between god-given wealth and wealth acquired by hybris parallels the more political meaning of εὔκοσμα in fragment 4. Insolent self-interest in the polis destroys the divine order of Δίκη and renders the arrangement of the parts of the political structure οὐ κατὰ κόσμον. This phrase from fragment 13 is a reminder, by force of opposition, that a city whose affairs are εὔκοσμα is not only rightly ordered as to its parts but that this right order is an aspect of the divine order with implications for the personal behavior of the citizens.

The word πινυτά has a similar ethical connotation, but rather than being tied to the divine order, it is tied more directly to the moral order of customary norms. Such a usage of πινυτά occurs in *Od.* 1.229. Athena is outraged by the conduct of the suitors and remarks that any πινυτὸς man, who should happen to observe their conduct, would be outraged at the shame of it (νεμεσσήσαιτό κεν). The suitors' hybris recalls Ostwald and Wolf's discussion of the meaning of δίκαιος above. The suitors in the *Odyssey* are οὐ δίκαιοι or ἄδικοι, because they are flagrantly disregarding the behavior expected of suitors according to the immutable and universal norms of social behavior. They are violating the δίκη of suitors which is an established part of the normative order of Greek society. They are dishonoring norms, which in the Greek mind, are immutable and therefore part of the natural order of things. When Solon says that all things are πινυτά in the polis of Εὐνομίη he means that both the

[56] Linforth, 230, commenting on Sol. 13.11. Linforth's interpretation of οὐ κατὰ κόσμον in the language of natural law is an interesting anticipation of Jaeger's more explicit and theoretical account of fr. 4 along those same lines. Consider, for example, Jaeger 1966, 92, stating in reference to passages from both frs. 4 and 13: "Solon may be said to recognize the natural law—*sit venia verbo*—of a socio-political τίσις and δίκη which τῷ χρόνῳ πάντως ἦλθε."

elite and the demos are behaving according to norms which, if obeyed, would be constitutive of a political δίκη. The actions of the elite rulers are balanced. The demos is obedient to the leaders and possesses precisely those freedoms which are proper for them—"δήμῳ μὲν γὰρ ἔδωκα τόσον γέρας ὅσσον ἐπαρκεῖν (fr. 5.1)." This state of affairs obtains because both the elite and the members of the demos are acting as it is their δίκη to act and are therefore ἄνδρες πινυτοί.

Thus εὔκοσμα defines a proper political order, with connotations of divine order, and πινυτά refers to this order under the moral aspect of personal action. Both together render all things in the polis ἄρτια κατὰ ἀνθρώπους. The idea of ἄρτια includes the ideas of εὔκοσμα and πινυτά, and all of these qualities depend upon the preservation of σεμνὰ Δίκης θέμεθλα in the polis. When the polis draws nourishment through the roots of δίκη, the order of the polis is divine—Εὐνομίη dwells there—and therefore things in the polis are εὔκοσμα. When the roots of δίκη run deep in the polis the rulers and the ruled act as it is their δίκη to act, and therefore things in the polis are πινυτά. When the foundations of δίκη are secure, the operative principle of polis life is νόος ἄρτιος, and all things are εὔκοσμα καὶ ἄρτια and ἄρτια καὶ πινυτά.

In stark opposition to the 'august foundations of Δίκη' in the polis is the image of tyranny. Although the anti-tyranny fragments are quite incomplete, the poetic terminology by which Solon describes the evils of this deviant constitution indicates that tyranny is the most extreme consequence of the destruction of δίκη in the polis. Solon employs the same logic to expose tyranny as an extreme form of δίκη-destroying ἄδικα as he used to expose the hybris of the elite. He shows, for example, that tyranny is not a divine punishment for the polis. Rather it is the consequence of blameworthy human actions flowing from an inadequate understanding of the structure of the political δίκη, i.e. from a νόος ἄδικος. He shows that it is an evil which brings slavery to the polis and is generally associated with all the most severe forms of ἄδικα which were perpetrated by elite avariciousness. Thus in fragment 11.1–4, just as in fragment 4, Solon reproves his fellow citizens when they blame the gods for the evils of tyranny which are oppressing them.[57] The people themselves are

[57] Not every interpreter takes fr. 11 to refer to Peisistratus. Of course, as West indicates in his edition of Solon's fragments, Plutarch, Diogenes Laertius, and

the source of the suffering which they are experiencing because they facilitated the rise of tyranny: "μὴ θεοῖσιν τούτων μοῖραν ἐπαμφέρετε·/αὐτοὶ γὰρ τούτους ηὐξήσατε ῥύματα δόντες" (fr. 11.2–3). Specifically, the blame for their actions resides in their inability to understand that tyranny is contrary to the foundations of political δίκη: "σύμπασιν δ' ὑμῖν χαῦνος ἔνεστι νόος·/ἐς γὰρ γλῶσσαν ὁρᾶτε καὶ εἰς ἔπη αἱμύλου ἀνδρός,/εἰς ἔργον δ' οὐδὲν γιγνόμενον βλέπετε" (fr. 11.6–7). Here the νόος is only χαῦνος ('empty-headed') and not ἄδικος as in fragment 4.7. The reason is that the destruction of the foundation of justice is not active, but only passive as the people merely permit the encroachment of tyranny. Tyranny is the extreme antithesis of political δίκη because it brings the worst kind of slavery to the polis, namely, the slavery of all to one; consequently it destroys true political δίκη: "καὶ διὰ ταῦτα κακὴν ἔσχετε δουλοσύνην" (fr. 11.4); "ἀνδρῶν δ' ἐκ μεγάλων πόλις ὄλλυται, ἐς δὲ μονάρχου/δῆμος ἀιδρίῃ δουλοσύνην ἔπεσεν" (fr. 9.4–5). Citizens of feeble mind, blinded by grasping self-interest and excessive expectations, offer themselves as slaves to the tyrant when they invite him to stand in the place of the goddess Δίκη at the foundation of civic life.

In opposition to the image of the tyrant, in turn, is Solon himself in the image of arbitrator. This is a leitmotif which is as important to the poetics of Solon as that of the grasping elite or the unrestrained demos. The arbitrator in the political poems attempts to effect a proper balance between the demos and the ruling elite, i.e. tries to render all things ἄρτια for all the citizens of the polis. Thus in fragment 5 Solon reverses the implications of the image of the shield of Zeus in *Iliad* 15.318 ff. In Homer's epic the shield is a talisman to advance the onslaught of the Trojans. In contrast the shield of fragment 5 is an implement of mutual protection for the demos and the elite according to the order of δίκη in the polis. Solon does not use it to procure victory for one side over the other: "ἔστην δ' ἀμφιβαλὼν κρατερὸν σάκος ἀμφοτέροισι,/νικᾶν δ' οὐκ εἴασ' οὐδετέρους ἀδίκως" (fr. 5.5–6). The reversal of the image reveals that, for Solon at least, the δίκη (i.e. the characteristic nature) of political arbitrators is to restore δίκη (i.e. political order) to the city, not by victory, but by proportionate reconciliation. Thus he stands as the

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Diodorus, all quote the fragment in connection with Peisistratus. Other scholars have had trouble with this reading because of the plural τούτους in verse 3. See Linforth, 207, commenting on this point.

boundary marker between opposing forces: "ἐγὼ δὲ τούτων ὥσπερ ἐν μεταιχμίῳ/ὅρος κατέστην" (fr. 37. 9–10). As the boundary marker he gives definition to the proper relationship between opposing interests, i.e. he gives δίκη to both the elites and demos. He does not, however, effect a false equality between them (this is the mark of tyranny not justice): "οὐδέ μοι τυραννίδος/ἁνδάνει βίῃ τι[..].ε[ι]ν, οὐδὲ πιείρης χθονὸς/πατρίδος κακοῖσιν ἐσθλοὺς ἰσομοιρίην ἔχειν" (fr. 34.7–10). Nor does he give unwarranted political privileges to the demos: "δήμῳ μὲν γὰρ ἔδωκα τόσον γέρας ὅσσον ἐπαρκεῖν" (fr. 5.1). He exhorts the elite to rule well and the demos to obey well. Thus the arbitrator is a symbol of the κοινωνία which the implementation of political δίκη can achieve.

The image of Solon as arbitrator must be read in connection with another prevalent motif in the political fragments, namely, Solon's explicit rejection of tyranny.[58] To accept a tyranny or even to use the methods of a tyrant would have been contrary to the δίκη of an arbitrator and an irreparable violation of Solon's own political philosophy. This is so because power in the one destroys the possibility of harmony and order in the polis, introduces the most extreme form of slavery, and, therefore, renders the order of δίκη impossible. That is, where there is no political relationship between the elements of the polis, things can no longer be ἄρτια, εὔκοσμα, or πινυτά in the polis.

The final image of the framework of δίκη is a significant one, but *sui generis* because it is not derived from the argument of opposites. This is the image of δίκη personified as an avenger of ταῦτα ἄδικα. In fragment 4.15–16 Solon says that when the foundations of Δίκη are disregarded, she quietly notes all things past and future, and in her own good time inevitably comes to exact satisfaction for the wrongs done to her: "ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα,/τῷ δὲ χρόνῳ πάντως ἦλθ' ἀποτεισομένη." This image should be compared with the phrase ἐν δίκῃ Χρόνου in fragment 36.3 and with the phrase πάντως ὕστερον ἦλθε δίκη in fragment 13.8. To complete the framework, it is sufficient here merely to emphasize three things. There is a relation between δίκη and χρόνος. Δίκη is represented as an active and cognitive force. And, finally, both cognition as well as action

[58] See Sol. fr. 34.7–8. Although the text is uncertain it is clear that Solon is rejecting tyranny. See also Sol. 32.4–5 where Solon says that the citizens of Athens are the better for his not having usurped rule by establishing a tyranny.

are also related to time: Δίκη knows past and future wrongs; satisfaction is inevitable and unavoidable.

The framework resulting from this analysis is necessarily limited because it is derived primarily from semantic and literary observations over a brief body of (often incomplete) texts. None of the political fragments has δίκη as its specific subject. Therefore there is no direct account of the nature of political δίκη in Solon's poetry. All that can be done, really, at this level of analysis to illuminate the nature of political δίκη is to create a table of opposition which summarizes the internal poetic logic, the negative ones more securely established from the available text than the positive ones. In the following table, the rows correspond to one another:

Negative Attributes	Positive Attributes
νόος ἄδικος	νόος ἄρτιος
ὕβρις and κόρος inform the ethic of the elite	orientation to the common good informs the ethic of the elite
demos is greedy for more and more privileges	demos is oriented to obedience to rightful aristocratic rule
δουλυσύνη, στάσις, ἔμφυλος πόλεμος, διχοστασίη, τυραννίς come to the polis and are ἄδικα	ἐλευθερία and φιλία come to the polis and things in the polis are εὔκοσμα, πινυτά, and ἄρτια
as summary of the above: self-centered elite graspingness and excessive expectations of the demos	as summary of the above: balanced elite rule and proportionate privileges for the demos
the above evils pervade the entire structure of the polis	the above goods pervade the entire structure of the polis
	δίκη is a self-correcting force that sees ταῦτα ἄδικα, past and future, and exacts satisfaction for them in its own time
all of the above destroy σεμνὰ Δίκης θέμεθλα	all of the above preserve or are consistent with σεμνὰ Δίκης θέμεθλα
Δυσνομίη represents the state of affairs in the ἄδικος πόλις, which is "ἡμετέρη πόλις", i.e. Solon's Athens	Εὐνομίη represents the state of affairs in the δικαία πόλις, the negative image of which is described in the fragments
tyranny and the rule of the tyrant are directly opposed to the foundations of political dike	arbitration and Solon's own work as arbitrator between the political claims of the elite and the demos is in accord with political dike

In summary, the idea most readily associated with the notion of σεμνὰ Δίκης θέμεθλα in the polis is that of a proper relationship between the elites and the demos. Negatively, inattention to the foundations of δίκη is destructive of the proper relationship between these two components of the polis, and the result is injustice i.e. τὰ ἄδικα, poetically represented by the images of division (στάσις and διχοστασίη) and slavery (δουλοσύνη). Positively, due respect and care for the foundations of δίκη preserve the proper relationship between these two groups, and such a proper relationship is poetically represented by Εὐνομίη, who represents harmony in its constitutional sense (ἄρτια/εὔκοσμα) and in its morally normative sense (ἄρτια/πινυτά).

Section 3: *The Usages of Dike within the Framework*

It remains to relate the lexicographical history of δίκη to the ideas of the framework. The lexicography of δίκη revealed a juridical usage and a usage reflecting deeper levels of customary norms. It is clear from the Framework of Dike that Solon's political fragments do not contain juridical subject matter. Therefore, it should not be surprising that Solon's use of δίκη and its derivatives almost never have a juridical sense. The one exception is in fragment 4.36 where it is clear that crooked δίκαι, i.e. verdicts, are one of several characteristics of the polis which Εὐνομίη overcomes in connection with Δίκη. Thus it is the second usage group that is more helpful in examining Solon's thinking.

The key to this usage in the political fragments is the identification of an area of customary norms which informs the meaning of Solon's δίκη. The logic of the Framework moves primarily from τὰ ἄδικα, which are textually better known, to τὰ δίκαια, which are known by inference from opposites. This argument leads back to σεμνὰ Δίκης θέμεθλα in the polis as the defining aspect of the πόλις δικαία. It seems right, therefore, to apply an adapted version of the method by which Wolf derived the meaning of δίκαιος above, to this notion of Δίκης θέμεθλα. Wolf said: "wer 'δίκη' zu üben weiß . . . ist ein 'δίκαιος'" (He who knows how to practice δίκη is δίκαιος).[59] In imitation, a similar principle is applicable here: Wer in Solons Dichtungen

[59] Wolf 1950, 113.

die "σεμνὰ Δίκης θέμεθλα" in der polis weiß, erkennt er deshalb die politische "δίκη" und die verwandten Wörter—to know the marks of the central image of Solon's poetics is to grasp his understanding of political δίκη. Even though it is sometimes by implication, Solon refers nearly all usages of δίκη and its derivatives in the political fragments to the notion of the foundations of δίκη in the polis. Thus the pregnant poetic sense of Δίκης θέμεθλα, with all the associative notions revealed in the Framework of Dike, is the key to understanding all senses of δίκη in Solon. This poetic sense will even color the context when the specific meaning of δίκη is traditional, e.g. verdict, customary norm, or rule of law.

Formally, all usages of the adjective ἄδικος in the political poems refer to the relationship between the elete and the demos. Attitudes, agencies, and actions which in any way effect an improper relationship between these elements are ἄδικα. Thus ἄδικος νόος (fr. 4.7), ἄδικα ἔργματα (fr. 4.11), and οἱ ἄδικοι (fr. 4. 33) each operate to disrupt the appropriate relationship between the demos and the elite rulers. In fragment 5.6 Solon says that he does not wish the demos or the elites "νικᾶν ἀδίκως," meaning that he does not wish either element to gain an advantage so as to skew the proper ordering of these elements to one another. In fragment 4.22, the phrase "τοῖς ἀδικέουσι φίλους" implicated political friendship, i.e. the proper political relationship between members of the demos and their elite rulers. Thus "to do injustice" to friends has a political sense defined by the controlling idea Δίκης θέμεθλα.

The only interpretable usages of δίκαιος-derivatives are in fragment 36.8–10:

> πολλοὺς δ' Ἀθήνας πατρίδ' ἐς θεόκτιτον
> ἀνήγαγον πραθέντας, ἄλλον ἐκδίκως,
> ἄλλον δικαίως.[60]

The traditional interpretation of ἐκδίκως and δικαίως looks to the legal process by which various Athenians were sold into debt slavery.[61] Some scholars have taken ἐκδίκως to mean being sold without the determination of a judicial procedure, and δικαίως to mean the

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[60] The other usages are ones which occur in fragments too short to give any reliable context.

[61] The word ἐκδίκως is generally taken as a mere metrical equivalent for ἀδίκως. See e.g. Gagarin 1974, 192.

opposite, being sold into debt slavery in accordance with formal judicial determination.[62] Prima facie, this is a reasonable interpretation, even though uninteresting. If, however, one takes into account that nowhere else in the fragments does Solon express any interest in juridical matters and that there is no evidence in any of our sources for the existence of a judicial procedure for determining whether someone is subject to debt-bondage, the Framework of Dike invites another interpretation. It is possible that the sale of certain persons for default on a debt did not do violence to the proper relationship between demos and elite; whence such a transaction, heinous as it seems to modern sensibilities, would be δικαίως and the opposite transaction, ἐκδίκως. Arguments from the framework do not go to details so that the interpretation must stop at this level of generality.

To move beyond the Framework of Dike one must have a more specific idea of the political sense of Δίκης θέμεθλα. Without such a substantive premise, the terminology and literary logic of the Framework gives a mere formal view of the relation of δίκη to various modes of negative political activity. The polis idea provides this specific idea.

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[62] Linforth, 187: legally and illegally, not with a sense of the absolute justice of slavery; Wolf 1950, 199; Gagarin 1974, 192.

CHAPTER FIVE

SOLON'S UNDERSTANDING OF DIKE IN LIGHT OF THE POLIS IDEA

Preliminaries: Solon and the Polis Idea

The polis idea was a new conception of civic and social structures and a force that shaped the civilization of the Archaic Age. It influenced the Greek world at various levels. At the level of historical progress, it guided the general direction of advancement among Greek peoples. At the level of the person, it informed in varying degrees the individual political reflection of such thinkers as Hesiod, Tyrtaeus, and most importantly, Solon himself. It was precisely this dominance of the polis idea which made it a foregone conclusion by 700 that civilized progress would continue within "a network of small independent states."[1]

While the position of Athens with respect to the polis idea was ambiguous in the sixth century, Solon's home was no backwater hamlet but part of a burgeoning group of Greek cities whose combined activities comprised the flourishing genius of the Archaic Age. Solon was a patriot, a lover of Athens, and, as someone qualified to hold high office, an aristocrat in the most precise sense. He was not, however, homebound but cosmopolitan in his experience and outlook. The development of his mind, and therefore also of his political ideas, reflected the view both of a citizen of Athens and of someone who knew the thoughts of men and the other cities of the Greek world. This vista had a twofold effect on his intellectual outlook. Intercourse with the world at large revealed to him that the polis idea was animating the development of the leading Greek cities of his day and the general direction of Hellenic civilization. However, experience of the profound problems at home brought to light acutely that things at Athens were following a different, less auspicious course.

[1] Snodgrass 1980, 85. Snodgrass's remark is part of the introductory material of Chapter 3 of his book *Archaic Greece* called "The Just City?"

The set of relationships which Solon perceived, looking inwardly at Athens and outwardly at other Greek cities, belongs to the same set of relationships which the researches of new classical archaeology described under the name of the polis idea. This correlation gives rise to the hermeneutic perspective of this chapter that the polis idea provides a workable objective background for an interpretation of the political ideas in Solon's poetry, especially the very significant idea of δίκη or justice. Snodgrass argued in his book *Archaic Greece* that the polis society allowed for and supported a freedom of individual talent which encouraged intellectual speculation and an open examination of the ideas at the center of organized life.[2] Solon, whose poetry was at once an example of the expressive freedom of the lyric tradition and of a more didactic kind of political reflection,[3] was a pioneer of this new intellectual life of open commentary on fundamental issues of the day. By virtue of his particular experience, Solon was aware of two connected facts. He perceived that a new and dominant idea of the political relationship between the agathoi and the kakoi was driving the development of cities throughout the Greek world. He also could see that the essential rejection of this idea by the agathoi of his own city was at the center of Athens' profound political problems.

The theoretical connection between Solon's perceptions and those of the new archaeologists raises the same question which Hermann Fränkel addressed in defense of his own approach to the interpretation of ancient literature. He said in his book *Early Greek Poetry and Philosophy*:

> Phrases however which sound anachronistic when put into the mouth of an early Greek writer, may be admissible, or even necessary, when we are no longer translating the text but analyzing its underlying ideas for our own benefit . . . I do not adhere to the doctrine that we have no right to ascribe to a thinker a notion for the unequivocal expression of which he possessed and used no specific tool. Quite to the contrary: it is perfectly normal for this or that concept to have existed in a person's mind, in a less definitive form, long before someone else couched it in dry and set philosophical phraseology . . . A realization that it is easy to mistranslate, foisting upon the ancient thinker con-

[2] Ibid., 160–161.
[3] Anhalt 1993, 5–9.

> cepts alien to him, must not prevent us from following up clues where we see them clearly pointed in a definite direction.[4]

It is in Fränkel's sense that the polis idea becomes a useful notion for a reading of Solon's political poems. This is especially so to the extent that the polis idea touches upon the relation between the individual and the community.

The tension within the polis idea between the claims of the community and those of the individual is the background against which Solon composes his reflections on dike. The most important expressions of these reflections are fragments 4 and 36. They are each poems of substantial length and represent Solon's view of the Athenian political crisis before and after his appointment to special powers and before and after the work of his reforms. Fragment 4 is Solon's diagnosis of the Athenians' political ailments, and fragment 36 is his apology for the remedies he devised and implemented. Fragment 4 is more theoretical, fragment 36 more pragmatic, addressing a specific distortion of the principles of dike in Athens. The examination of these fragments, therefore, incorporates both the theory and practice of dike. In fragment 4 Solon identifies σεμνὰ Δίκης θέμεθλα (the august foundations of Dike) with the polis idea, and establishes the controlling theoretical meaning of dike. Fragment 36 is an account of theory put into practice. The purpose of this chapter is not to give a literary critique of these fragments but to examine them for insight into Solon's understanding of dike. In the end it will become clear that dike for Solon implies an objective political norm informed by the polis idea itself.

Section 1: *The Foundational Meaning of Dike*: *Fragment 4 and The Polis Idea as the 'August Foundations of Dike'*

In Fragment 4 Solon condemns the attitude and behavior of the Athenian elite as a fundamental cause of the city's troubled political condition. Verses 5–7a and 14 read:

> αὐτοὶ δὲ φθείρειν μεγάλην πόλιν ἀφραδίῃισιν
> ἀστοὶ βούλονται χρήμασι πειθόμενοι,

[4] Fränkel 1973, xi.

> δήμου θ' ἡγεμόνων ἄδικος νόος
> . . . .
> οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα.
>
> The townsmen themselves, misled in their folly (by desire for) property, wish to destroy this great city, and the mind of these leaders of the demos is unjust . . . and they do not guard the august foundations of Dike.[5]

In this fragment Solon is focusing on the folly of the ἀστοί, i.e. the elite, and the ἡγεμόνες δήμου, i.e. the leaders of the demos, who are either convergent with the ἀστοί or a particular subgroup among them.[6] This distinction will make no difference to the proposed interpretation of the poem.

Thus fragment 4 focuses on one side of the tension between the elite and the demos, which was a central element of Solon's thinking on political justice according to the Framework of Dike in Chapter IV. The elite in this fragment, i.e. the leaders of the city pursue their own interests with little regard for the demos and the kind of participatory community constitutive of the polis idea. This behavior invites an identification of this element in Athenian society with the agathoi in Morris's account of the polis idea and therefore also an identification of the demos with Morris's kakoi. The discovery of

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[5] Since this chapter reflects an original reading of Solon, I give my own translation, however artless, of all quotations from Solon's poems.

[6] Linforth, 141 translates these lines: "It is the townsfolk themselves and their false-hearted leaders who would fain destroy our great city through wantonness and love of money . . . They pay no heed to the unshaken rock of holy Justice." Freeman, 207, translates: "It is the people themselves who in their folly seek to destroy our great city, prompted by desire for wealth; and their leaders of unjust heart . . . take no heed of the holy foundations of Justice." Neither, apparently, is concerned to make a distinction between ἀστοί and δῆμος, and each takes the ἡγεμόνες δήμου to be analytically distinct from the ἀστοί. They each, however, appear to take the referent of οὐδὲ φυλάσσονται to be the ἡγεμόνες δήμου. The reason for taking the ἀστοί, as I do in my translation, to refer to the elite and to include the ἡγεμόνες δήμου within this group are three. First, since Solon used two different words, one should distinguish between the ἀστοί and the δῆμος. Second, the entire focus of fr. 4 is on the kind of grasping, self-centered insolence which was ascribed to the elite in the Framework of Dike in Chapter IV. The word ἀφραδίη, which is associated with the ἀστοί in verse 6, summarizes this kind of insolence. The unjust activities of the demos within the Framework was of a different kind than this graspingness. Third, if there is a distinction between the ἀστοί and the δῆμος in this fragment, then the ἡγεμόνες δήμου must be ἀστοί because in archaic Athens the 'leaders of the demos' would certainly not themselves be described as of the demos in the context of such a distinction. For commentators who take the ἀστοί to be the 'nobles' see Linforth, 197–198.

the agathoi and the kakoi in fragment 4 reverberates backward to the Framework of Dike transforming in like manner all references to the elite and to the demos therein into references to the agathoi and the kakoi. Reading fragment 4 against the background of the now particularized Framework of Dike along with the understanding that this fragment addresses the relationship between the agathoi and kakoi in Athens, opens the way to the foundational meaning of dike in Solon's thought. The key to this meaning lies in the image of σεμνὰ Δίκης θέμεθλα, or the august foundations of Dike, which turns out to be Solon's poetic symbol for the polis idea as he understood it.

The figure σεμνὰ Δίκης θέμεθλα is the seminal image of fragment 4. Through this figure Solon makes dike, personified as a goddess, a primordial native of the polis. The key to the image is both the personification and the implications of the phrase σεμνὰ θέμεθλα (august foundations). A careful examination of the image and the context within which Solon presents it shows that the residence of dike in the polis is something long-standing, permanent, and independent of those human institutions whose origin is merely conventional. Solon introduces the image, saying:

οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα,
ἣ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα,
τῶι δὲ χρόνωι πάντως ἦλθ' ἀποτεισομένη.

> They do not guard the august foundations of Dike, who, silently aware of things present and past, comes inevitably in time to exact vengeance. (Fr. 4.14–16)

The word, θέμεθλα (themethla or foundations), evokes, from a mechanical perspective, the image of a solid and unshakeable connection to the land and, more from the perspective of nature, the idea of roots. It thus indicates something sturdy, inveterate, permanent, and immovable. The various physical senses of the word, the roots of a mountain, the foundation footers of a temple, the pedestal of a statue,[7] augment the image to include the idea of something affixed to or planted in the very ground of the polis. Dike is deeply rooted in the very land of the polis, an image which looks forward to "Γῆ μέλαινα" (Ge melaina or the dark earth) in fragment 36. The attribute, σεμνά

[7] LSJ, s.v. θέμεθλα. For θέμεθλα invoking the image of a temple, sanctuary, or altar, cf. Jaeger 1966, 90 n. 2.

(semna or august), implies that the foundations of dike in the polis are of divine and not of human origin. Thus, according to the Lexicography of Dike in Chapter IV, Solon presents political dike as part of the permanent and immutable order of the polis.[8] In this sense Solon is conceiving of dike as something independent of the contingent order of daily politics, i.e. as something independent of the fluctuating will of men. Thus the word σεμνά, emphasizing dike's divine origins, confirms and augments the image of permanence conveyed by the word θέμεθλα. For Solon the goddess Dike possesses an ancient and permanent domicile in the polis, one prior in dignity to that of the citizens in the way that the divine order is prior to the human order. The image of the goddess combined with the image of a physical foundation emphasize twice over that dike is at the origin of the polis, both in the abstract sense of political order and in the physical sense of the particular polis land or territory.

The cognitive ability of Dike, with her powers to ascertain the meaning of present events from her knowledge of the past, further supports this sense of the image. In fragment 4 as a whole the evil actions of Athenian citizens are damaging to the foundations of dike so that Δυσνομίη (Dysnomia or Disorder), a goddess opposed to and usurping, for the moment, the privileged place of the personified Dike, establishes her own residence in the polis. Dike understands the implications of these events (τὰ γιγνόμενα) because in her vast experience she has a knowledge of the history of men (πρό τ' ἐόντα) and knows their proclivity to forget their roots. Because of her age and experience she can weather these adverse conditions, silently (σιγῶσα), in patient confidence that the evils will run their course in time. Like the deep, drought resistant roots of an old tree, the inveterate experience and patient endurance which equips Dike to survive in factious and hostile times indicates again that the foundations of justice run deep in the polis.

Confirmation of this reading comes from yet another perspective through the implications of the words "οὐδὲ φυλάσσονται" (they do not guard). Solon introduces the image of σεμνὰ Δίκης θέμεθλα against

[8] Recall the presentation of Ostwald's view in Chapter IV on the implications of the representation of δίκη as a divinity. See Ostwald 1973–74, 674: "Thus both *themis* and *dike* are permanent and immutable; although they both have a beginning in cosmic time, there is never any suggestion that they are the creation of man, that they have a beginning in human society, or they are merely transitory, that is, that today's *themis* or, to a slightly lesser extent, *dike* will no longer be valid tomorrow."

the background of the charge "δήμου θ' ἡγεμόνων ἄδικος νόος" (fr. 4.7): that is, a mentality in the leaders of the demos hostile to dike. These leaders, as we can now say, are the agathoi perpetrating τὰ ἄδικα or unjust acts, generally and specifically against the rights of the kakoi to participate in the polis society. Accordingly, it is the agathoi who are the referent of οὐδὲ φυλάσσονται, i.e. the agathoi are the 'they' in the verse 'they do not guard the foundations of Dike.' The unjust actions of the agathoi are ubiquitous in fragment 4, but Solon's point here is more about the nature of dike than the behavior of this group of Athenians. Insofar as he emphasizes their indifference toward dike—they do not guard her foundations—rather than their active injustice, Solon is again demonstrating that dike is a permanent ideal of the political order. The actions of men, willful or negligent, can obscure for a time, but cannot actually destroy the foundations of political dike. Thus Solon presents political dike under the image of the holy shrine of the goddess left long unattended by the Athenian agathoi, with luster faded and precinct overgrown, but still rooted in the land. The point to take is that the shrine still stands because the activities of man cannot eradicate the permanent foundations of the political order. Therefore, again, Dike is portrayed as an ineradicable denizen of the polis.

Thus far, then, dike in Solon's conception is something profoundly linked to the political order, a thing in some sense impervious to the unjust activities of men. Since the shrine of Dike is shabby and the troubled condition of the city nothing very new, Solon presents the neglect of the agathoi as a problem that has persisted in Athens for a long period of time. The duration of this inattention to the foundations of political dike is the first hint that Solon is tying the nature of dike to the polis idea itself. The neglect of the agathoi, their failure to guard the foundations of dike, is tantamount to a rejection of a form of political order which Solon implies would have corrected the current woes of the city. This sounds much like Morris's point about the Athenian agathoi: what Morris expressed as the rejection of the polis idea, Solon is expressing as a rejection of the foundations of political justice. Thus Solon's understanding of this foundational mode of dike, which he expresses in the poetic image of the august foundations of the goddess, represents his understanding of the polis idea.

In connection with his statement of the failure of the agathoi to guard σεμνὰ Δίκης θέμεθλα, the august foundations of dike, Solon

says that the goddess will exact an ineluctable vengeance in the course of time. This formulation leaves questions: what mode of vengeance? against whom in particular? and for what precisely? The answers to these queries further support the identification in Solon's thought of the foundations of political dike with the polis idea.

The particular character of the vengeance of Dike is but a specific instance of the kind of relationship that exists between the divine and the human order. One of the main themes of fragment 4 is that the gods do not of their own accord bring evil to the cities of men. As a particular example of this general truth, Solon takes great pains to make especially clear that Athena herself is the guarantor of this divine warranty for the city which is her namesake. Thus he says:

> ἡμετέρη δὲ πόλις κατὰ μὲν Διὸς οὔποτ' ὀλεῖται
> αἶσαν καὶ μακάρων θεῶν φρένας ἀθανάτων·
> τοίη γὰρ μεγάθυμος ἐπίσκοπος ὀβριμοπάτρη
> Παλλὰς Ἀθηναίη χεῖρας ὕπερθεν ἔχει·
>
> Our city will never be destroyed according to the dispensation of Zeus and the will of the blessed immortal gods; such a courageous guard as Pallas Athena herself, mighty daughter of Zeus, holds protective hands over it from above.
> (Fr. 4.1–4)

It is the Athenians themselves, in particular the agathoi, who are the destroyers of their city. They do so in their folly (ἀφραδίῃισιν, fr. 4.5), and this folly is nothing other than acting and behaving in a manner that disregards or neglects the foundations of justice, the σεμνὰ Δίκης θέμεθλα. Since Solon makes dike a goddess in this poem, her vengeance cannot be an active force which brings positive evil to the city. Dike represents the essence of the political norms by which a person like Solon, who has insight into the normative order of things, can assess, judge, and condemn the actions of the agathoi. Her vengeance is in a sense her very silence. The unjust actions of the agathoi will become their own punishment. By ignoring the norms of dike the agathoi will bring a disorder to the city which will affect not only the kakoi, but themselves as well. Fragment 4 unfolds as an embellishment of the goddess's silent vengeance through which the identity between political dike and the polis idea in Solon's thinking becomes more and more clear.

Solon's city in fragment 4 is sick. He represents the diseased condition both in general terms, describing its wounds and the evil which

infests it (ἕλκος fr. 4.17; κακά, δημόσιον κακόν, fr. 4.23, 26) and in political terms, identifying slavery and faction as serious problems of the polity (δουλοσύνη, fr. 4.18; στάσις, 4.19). He makes the personified Dysnomia the emblem of the diseased city, whom he opposes directly to Eunomia and thus also to the personified Dike. Solon describes the behavior of the agathoi which is causing these troubled conditions as self-centered, grasping arrogance (ὕβρις, κόρος, fr. 4.8, 9). According to the Framework of Dike these conditions reveal that that agathoi practice an unjust political ethic (νόος ἄδικος) which has skewed the proper relationship between themselves and the kakoi. This ethic has undermined σεμνὰ Δίκης θέμεθλα, the foundations of political dike in the polis. Because of this behavior, Athens has become an unjust city (ἄδικος πόλις).

The specific behavior which Solon condemns fixes in a more precise way the nature of the ethic of the agathoi and thus the nature of the injustice. The agathoi have perpetrated certain ἄδικα ἔργματα (fr. 4.11) or unjust works which negatively affect property rights, religious unity, and the very possibility of a κοινωνία or partnership of diverse interests in the city. Since these three items are fundamental to the polis idea, Solon's focus on them is a second and definitive indication that the polis idea is itself foundational in his thinking on political dike.

When Solon first introduces the motif of the general injustice of the agathoi, he says:

> αὐτοὶ δὲ φθείρειν μεγάλην πόλιν ἀφραδίῃσιν
> ἀστοὶ βούλονται χρήμασι πειθόμενοι
>
> The townsmen themselves (i.e. the agathoi), misled in their folly (by desire for) property, wish to destroy this great city.
> (Fr. 4.5–6)

The interpretation of these lines turns on the meaning of the word χρήματα (chremata) which is usually translated as money.[9] In the pre-monetary world of sixth-century Athens chremata cannot mean 'money' in any simple sense, but rather must encompass the kind of wealth proper to the economy of the times. In the agrarian society of Solon's Athens wealth was fundamentally a by-product of the control and use of land, and therefore chremata must refer to a

[9] Cf. Linforth, 141, translating: "through wantonness and love of money."

wonton desire among the agathoi for land and its advantages. Solon is thus charging the agathoi with an inordinate desire for property. They were in some way depriving the kakoi of their legitimate landed rights. This is a revealing accusation because, in general, the recognition by agathoi of landed rights in the kakoi, a significant element of the polis idea, was a mechanism of the formation of the polis form of polity leading to a limited egalitarianism of citizenship based on land as opposed to domination and power. Thus by charging the Athenian agathoi with a grasping, inordinate desire for land-based wealth, Solon is accusing them in essence of rejecting this important aspect of the polis idea in Athens. This charge describes, therefore, the first characteristic of the unjust ethic of the agathoi, one which is fundamentally hostile to a participatory communal life for all the members of the city.

Solon also says that the agathoi are indiscriminate pilferers of both sacred and public property:

> οὔθ’ ἱερῶν κτεάνων οὔτέ τι δημοσίων
> φειδόμενοι κλέπτουσιν ἀφαρπαγῆι ἄλλοθεν ἄλλος.

> Sparing neither sacred property nor the property of the demos, the agathoi are indiscriminate thieves.[10]
> (Fr. 4.12–13)

The sense of the lines are hyperbolic. Solon uses this extreme image to emphasize the disregard among the agathoi for the two unities of religion which were a fundamental aspect of the polis idea. In the ideal polis the religion of the urban temple represented a unity between ruler and ruled, and the religion of the extra-urban sanctuaries represented a broader unity of inclusive citizenship cutting across the distinction between agathoi and kakoi. Solon juxtaposes the insolent pilfering of holy property against a similar robbery of the property of the demos, i.e. of the kakoi, to symbolize the breach of these two unities. Through this image, therefore, Solon exhibits a particular feature of the unjust ethic of the agathoi that is particularly destructive of the polis idea. The lack of discrimination on their

[10] The text here presents difficulties, chiefly the word ἀφαρπαγῇ. See Linforth, 200. Nevertheless the essential meaning is clear. Since the general sense is hyperbolic, taking ἄλλοθεν ἄλλος somewhat freely as 'indiscriminate' does not do injustice to the literal meaning of 'one from one place (the temples), another from another place (domestic depositories).'

part shows an absolute disregard for the principles of good rule and common participation in the basic benefits of the unities of polis life.

In another image Solon indicates that the agathoi have lost all sense of political proportionality:

> οὐ γὰρ ἐπίστανται κατέχειν κόρον οὐδὲ παρούσας
> εὐφροσύνας κοσμεῖν δαιτὸς ἐν ἡσυχίηι
>
> They do not know how to curb their insatiate insolence nor how to govern in orderly calm the ever present gaiety of their banqueting.[11] (Fr. 4.9–10)

The word εὐφροσύνη (euphrosune or gaiety) very specifically invokes images of the peculiar life-style and ethic of the agathoi in Solon's Athens. With this word Solon implicates all those peculiar pleasantries which characterized the self-centered life of the Athenian agathoi precisely as it was distinct from the much more mundane, labor-wearying, and ordinary life of the demos. Thus O. Murray says: "*[e]uphrosune* (was) the good life connected with the *symposion*: the word is used by Solon to describe the pleasure of feasting among the Athenian aristocracy."[12] In this passage Solon portrays the agathoi as having lost all sense of restraint and proportion. He also ties the condemnation of their ethic with the negative quality of κόρος (koros or insolent satiety) which was one of the particular ἄδικα of the agathoi in the Framework of Dike. In addition the word κοσμεῖν (kosmein), which in these lines implies personal governance, carries reverberations of its sense of political rule and, indeed, points to the quality εὔκοσμα (eukosma), which occurs as a fundamental aspect of the just city in the hymn to Eunomia at the end of the poem. By using the word kosmein in this specific condemnation, Solon indicates that the agathoi have completely abandoned their primary role in the implementation of the polis idea, the just and balanced rule of the demos.

These three specific negative behaviors, therefore, each represent a rejection of central aspects of the polis idea. Solon places the description of these behaviors in the poem prior to his introduction

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[11] Cf. Campbell, 241, commenting on οὐδὲ παρούσας κτλ.: "nor to conduct decently the present joys of their feasting in quietness." He surely means—nor to conduct decently in quietness the present joys of their feasting—and thus supports our translation.

[12] Murray 1993, 211.

of the seminal image of σεμνὰ Δίκης θέμεθλα, the august foundations of Dike. He thus intends to identify the negative ethic of the agathoi as the fundamental source of Athens' political troubles and to define it for what it is in its essence. Thus Solon says: "οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα," the agathoi do not guard the august foundations of Dike, and this sentence becomes an incisive, principled summary of all the ἄδικα ἔργματα (fr. 4.11) or unjust works of the agathoi and what this means for political life. By rejecting the polis idea the agathoi had failed to guard the foundations of political dike, and therefore they will—inevitably and unavoidably in time—destroy the city. Thus, with a mind informed by the experience of Athens' particular troubles and a knowledge of the larger Greek world where the polis idea is flourishing, Solon expresses in terms of the neglect of Dike what Morris expressed as a rejection of the polis idea. The figure σεμνὰ Δίκης θέμεθλα is Solon's image of the polis idea. Its rejection is the essence of political injustice.

The precise object, then, of the goddess's vengeance is clear. When Solon says: "τῷ δὲ χρόνῳ πάντως ἦλθ' ἀποτεισομένη" (fr. 4.16), he means that Dike comes inevitably in time to exact vengeance upon the agathoi for their rejection of the polis idea, which is the concrete content of political dike. The vengeance is nothing other than the very degeneration of political life itself which will progress inevitably and more violently the longer the agathoi disregard the organizational principles of the polis idea. This is the state of affairs over which Dysnomia (fr. 4.31) presides. It is characterized by dysfunction throughout the entire civic and social organization, affecting the life not only of the kakoi but of the agathoi as well. The whole city is infected by an unavoidable wound (ἕλκος ἄφυκτον, fr. 4.17), evil slavery (κακὴν δουλοσύνην, fr. 4.18), internecine strife, and civil war (στάσιν ἔμφυλον πόλεμόν τε, fr. 4.19). These evils come into every home right into the remotest corner of the inmost room (οἴκαδ' ἑκάστῳ, fr. 4.26; ἐν μυχῷ ᾖ θαλάμου, fr. 4.29).

Eunomia presides over the opposite state of affairs, the city of justice where the agathoi honor the polis idea. Eunomia is the image of all things δίκαια (dikaia or just) in the polis, and its principle is the proper relationship between the rulers and the ruled, i.e. the agathoi and the kakoi. This condition of eunomia issues from a νόος ἄρτιος (noos artios) i.e. a mind in harmony with the polis idea. The work of such a mind is εὔκοσμα καὶ ἄρτια (eukosma kai artia, fr. 4.32), i.e. good order and harmony between the agathoi and the

kakoi and, in general, within the whole of the social and civic order. These conditions indicate that the august foundations of Dike are stable and sound in the polis. They are also the core of the polis idea where the different elements of the city, the agathoi and the kakoi, come together in a koinonia of diverse interests. The people of this community are ἄνθρωποι πινυτοί (*cf.* fr. 4.39) because, in the language of the Framework of Dike, they act as it is the δίκη of political man to act. The final great sign that all of this comes to rest in the normative order of dike is that in the city of Eunomia the verdicts are correct. Thus Solon says: "Εὐνομίη . . . εὐθύνει δὲ δίκας σκολιάς," i.e. Eunomia makes straight the verdicts which were crooked in the city of Dysnomia. When the order as a whole is just, the smaller things within the order, e.g. the decision of judges, are also just.

The argument thus far indicates that the substantive content of dike in Solon's political poetic reflects the essential characteristics of the polis idea, but Solon also thinks of dike as the fundamental norm of political behavior. As such dike becomes for Solon an objective measure of the civic and social actions of men. The normative and objective nature of dike goes back, once again, to Solon's presentation of the central image of fragment 4, namely, σεμνὰ Δίκης θέμεθλα, the august foundations of Dike.

The personification of an idea as a divinity in the intellectual world of archaic Greece elevated it to the sphere of things which were of divine origin. The archaic Greek mind, therefore, thought the personified idea to belong to the realm of things immutable and changeless in the world.[13] For this same reason, Solon's audience would also have understood the directives of dike to be objective and normative with respect to man and his human world. Being attributes of the goddess they are prior to and independent of things of strict human origin. As Ostwald had noticed above, Dike is a created being in Greek cosmology, but she was not created by man, and therefore she is not subject to the whims and vicissitudes of

[13] Cf. Gagarin 1973, 89: "This personification is a way of expanding the meaning of the word to a more general and abstract sense and increasing its importance;" Jaeger 1966, 90: "His (Hesiod's) Dike therefore is at one time a concrete divinity and at another a universal idea; this is true also for Solon's. In both cases it is due to the non-abstract nature of the universal in early Greek thought." Cf., also, Linforth, 112, referring to the "universality of Δίκη" in fr. 4.

human desires. In a certain sense she cannot be affected by the actions of man, and thus Solon gave her a deeply rooted and inviolable residence in the actual physical place of the polis.

More particularly, Solon presents dike as the objective measure of what is politically right and wrong. Four aspects of Solon's imagery support this view. By representing the polis as the special home of dike and the natural place of her august foundations (σεμνὰ θέμεθλα), Solon indicates that dike is an essential reality of the polis. In addition, the priority of the goddess's residence in the city indicates that the political nature of dike is again independent of the political acts which arise from mere human convention. Furthermore, Solon depicts in his poetry which things are ἄδικα or unjust in the polis and which things are ἄρτια, εὔκοσμα, and πινυτά, i.e. harmonious, well-ordered, and politically prudent, by opposing them to or claiming conformity with σεμνὰ Δίκης θέμεθλα. Therefore the idea of δίκη is the measure of good and evil which pertains in a particular way to the needs of polis life. Lastly, the goddess Dike is linked to the world of citizenship in the image of "ἡμετέρη δὲ πόλις" (our city), the very first words of fragment 4. As a resident of the city the goddess belongs to all citizens precisely insofar as they embrace the polis idea, and thus dike becomes the norm and measure of all the actions of the citizens of the polis.

The special relationship between dike and χρόνος, i.e. time, illuminates the normative nature of dike in yet another way. According to Morris's archaeology, the exclusionary ethic of the Athenian agathoi had by Solon's day long worked in opposition to the polis idea as the model of political organization. Solon's great insight was that these practices were ruining the political stability of Athens, and he portrays this in his poetry by the dire images of the destruction of the city. Thus when Solon says, "ἢ σιγῶσα . . . /τῷ δὲ χρόνῳ πάντως ἦλθ' ἀποτεισομένη" (fr. 4.15–16), silently . . . Dike comes inevitably in time to exact vengeance, he identified time as the ally and instrument of Dike's vengeance. The poetic image implies that denial of the standards of dike leads necessarily (πάντως) to a destruction of political life. Time itself is the evidence of this necessity. The longer the norms are ignored, the closer the city will come to utter ruin, and Solon's message to Athens, and in particular to the agathoi, was that the critical moment had arrived.

To say, then, that dike is a fundamental norm of political life reflective of the polis idea is to refer its meaning to the second group

of usages defined in the Lexicography of Dike. That group included, in Ostwald's words, usages of a "more abstract sense of δίκη which touch upon the norms of human institutions and customs," referring to "the essential *characteristic* of a group on the basis of which a certain kind of conduct can be expected from the individual members belonging to that group."[14] Reflecting the polis idea, dike refers to the right relationship between the agathoi and the kakoi with respect to the requirements both of community and individuality. Thus it is ἄδικον, unjust, for the agathoi to govern the polis through a closed oligarchy which excludes the kakoi from essential political privileges, especially the access to land. It is δίκαιον, just, for the agathoi to rule with an eye to the general common good and for the kakoi to accept such rule for the sake of the koinonia of interests which constitutes the polis. The polis idea defines what the dike of the agathoi and the kakoi should be. The agathoi and the kakoi are ἄδικοι or δίκαιοι, i.e. just or unjust as members of the polis, to the extent that they fail of or act in accord with their dike in this sense.

Therefore, foundationally, dike is an objective norm of political life which reflects the content of the polis idea. As such, it is the measure of just and unjust political behavior among the agathoi and the kakoi. When the foundations of this political dike are honored in the city, the city flourishes as a koinonia of interests. When they are neglected, the koinonia dissolves and the city inevitably falls to ruin. Solon symbolizes all of this in the great image of σεμνὰ Δίκης θέμεθλα, which is his poetic conception of the polis idea.

Section 2: *Theory into Practice: Fragment 36 and the Specific Uses of Dike*

If fragment 4 was rich in imagery suggestive of the foundational meaning of political dike, fragment 36 exhibits dike in the particular work of the pragmatic statesman. Solon's reflections on the nature of dike were not relegated to the world of theory. His attention was never too far removed from the exigencies of practical politics, especially during his own efforts at political reform. In fragment 36 Solon

[14] Ostwald 1973–74, 677.

takes up the defense of his work,[15] and within this context dike, as in all his political reflections, finds a prominent place. Solon's foundational understanding of dike and its relation to the polis idea inform the more pragmatic account related in this fragment. Even where the traditional lexicographical sense of dike remains unchanged, the usage reflects Solon's new vision that σεμνὰ Δίκης θέμεθλα, the august foundations of Dike, are a reflection of the polis idea.

Solon delivers this poem in his own voice:

> ἐγὼ δὲ τῶν μὲν οὕνεκα ξυνήγαγον
> δῆμον, τί τούτων πρὶν τυχεῖν ἐπαυσάμην.
>
> Before achieving what of those things on account of which I gathered the demos, did I stop?
> (Fr. 36.1–2)

Here Solon enters the fray himself against his critics. To their implied criticism that he did not stay the course in his work, he issues a challenge: what did I leave unfinished?[16] In the remainder of the poem he crafts his response, not only by reviewing specific accomplishments but most especially by explaining how he restores the august foundations of dike, bringing things in Athens back into line with the polis idea.

As one of the major political poems touching significantly upon issues of justice, the Framework of Dike is a proper tool of analysis for fragment 36. According to the Framework slavery was one of the greatest antitheses to the foundations of political justice. Therefore the conspicuous use of images of slavery in this fragment must be

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[15] Tradition associates fragment 36 with Solon's seisachtheia and the problem of debt-slavery in sixth-century Athens. See *AP* 12.4 and Plut.*Sol.* 15.5–6. Although such references in the poem as the enslavement of the earth (fr. 36.6–7), the removal of the horoi (ibid.), the sale of Athenians into foreign slavery, and domestic debt-slavery (fr. 36.8–14) support this association, there is still some disagreement among modern scholars on the exact historical context of this poem. E.g. H. van Effenterre interprets fr. 36 as an account of the liberation of Eleusis. See L'Homme-Wery, 46 n. 5. These points, again, go towards the inadequacy of historical context as a basis of analysis for the meaning of Solon's poems.

[16] The meaning of the first two verses of fr. 36 have vexed scholars since the discovery of the current version of this fragment in *AP*. Prior to this, vv. 3–22 of the poem were known from Aristides *or.* 28.137. For an account of the difficulties, see Rhodes 1994, 174–175 and Linforth, 182–185. The translation offered follows Jaeger 1965, 452 n. 59, who takes τί not with ἐπαυσάμην, but as the accusative object of τυχεῖν, and takes the sense to be a response to the criticism implied by the question why did Solon stop his work before he finished. See also Campbell, 251, who follows Jaeger's line of reasoning.

given acute attention. The first image is Γῆ μέλαινα . . . δουλεύουσα (fr. 36.5, 7), i.e. the dark Earth enslaved. Solon calls the land of Athens itself, personified as a goddess, to testify to the success of his work. Thus by presenting her in the very first part of the poem as at once a goddess and a slave (Γῆ δουλεύουσα, the goddess Earth enslaved, a quasi oxymoron) Solon has created a great negative image of the totality of political troubles tormenting Athens. The addition of the concrete examples of the foreign and domestic enslavement of citizens (fr. 36.8–15) intensifies the import of this image. The personification of the earth here recalls the personification of dike in fragment 4 and is the first sign of a link between these two poems. The image of Γῆ μέλαινα δουλεύουσα, the dark Earth enslaved, stands in direct opposition to the image of σεμνὰ Δίκης θέμεθλα, the august foundations of Justice. This is a second and definitive indication that fragment 4 is a key to understanding fragment 36 and, more particularly, that the meaning of political dike derived from that poem will illuminate the meaning of dike in fragment 36.

In fragment 4 the physical attachment of Dike to the actual land of the polis in the image of the goddess's pedestal indicated a fundamental association between the foundations of dike and the polis idea. The force of this association provides a gloss for the image of the deified land in fragment 36. Solon adduces against the complaints of his critics the removal of the horoi from the earth:

> Γῆ μέλαινα, τῆς ἐγώ ποτε
> ὅρους ἀνεῖλον πολλαχῆι πεπηγότας,
> πρόσθεν δὲ δουλεύουσα, νῦν ἐλευθέρη.
>
> I removed the horoi, implanted everywhere, from the dark Earth which before [this removal] was enslaved, but now is free.
> (Fr. 36.5–7)

In this anti-image the horoi, a symbol of the enslavement of the polis, are implanted in the land instead of the foundations of Dike. As such, the horoi represent an agency disruptive of one of the unities of the polis idea, namely participation in the political community based on the possession of landed rights. If it is possible, as some have suggested, to take the adjective μέλαινα or dark to refer to the fertility of the land,[17] the horoi may also be taken to signify

[17] Campbell, 251.

a more specific disruption of the unity of generalized citizenship signified in the polis idea by the ritualization of agrarian life.

In the lines following this image Solon turns to a description of the enslavement of people:

> πολλοὺς δ' Ἀθήνας πατρίδ' ἐς θεόκτιτον
> ἀνήγαγον πραθέντας, ἄλλον ἐκδίκως,
> ἄλλον δικαίως, τοὺς δ' ἀναγκαίης ὑπὸ
> χρειοῦς φυγόντας, γλῶσσαν οὐκέτ' Ἀττικὴν
> ἱέντας, ὡς δὴ πολλαχῆι πλανωμένους·
> τοὺς δ' ἐνθάδ' αὐτοῦ δουλίην ἀεικέα
> ἔχοντας, ἤθη δεσποτέων τρομεομένους,
> ἐλευθέρους ἔθηκα.
>
> I restored to Athens, their divine homeland, many who had been sold, some outside the norms of dike, some within the norms, made exiles because of oppressive obligation, no longer understanding the Attic language since they had emigrated to many places. I restored others to freedom who were in the grip of outrageous slavery at home, trembling before the ethic of their masters.
> (Fr. 36.8–15)

The image of the enslaved Earth controls the interpretation of these lines, which continue the motif of the injustice of slavery. This enslavement has caused a grave and radical removal of Athenian people from the very land which defined their status in the polis. This displacement affected mainly the kakoi who were less fortified against civic vicissitudes of the breadth and magnitude represented by the figure of the enslaved earth. In this fragment Solon does not focus, as he did in fragment 4, on the many and particular injustices of the agathoi. Nevertheless, he shows with succinct incision that they are the agents of enslavement. He indicates the cause of the conditions of slavery in the phrase: "ἤθη δεσποτέων τρομεομένους" (trembling before the ethic of their masters). These masters are the agathoi leaders of the city, described under the metaphor appropriate to the context, namely, slave-masters. The ethic of these leaders is, as it was in fragment 4, antithetical to the foundations of political justice because it gives rise to slavery. They have imposed this ethic in Athens and on Athenians for a long time, since the people whom Solon brought back had forgotten their native tongue. The agathoi therefore had long since abandoned the foundations of political dike in their rule of Athens. Thus, fragment 36 reflects, just as did fragment 4, a rejection by the agathoi of the polis idea in Athens. Solon's description of Athens' troubles, from the enslavement of the land to

the unjust ethic of the agathoi, reflects the general conclusion of Morris's archaeology. Therefore, the total significance of the negative image of the enslaved dark Earth is that political reform would only be successful if it aimed at a revitalization of the polis idea which had become exhausted in the once fertile soil of Athens. In the remainder of the poem Solon shows how he accomplished this by re-establishing the foundations of political dike in Athens.

With poetic compactness Solon describes the essential core of his political reform:

> ταῦτα μὲν κράτει
> ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας
> ἔρεξα, καὶ διῆλθον ὡς ὑπεσχόμην·
> θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι
> εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην
> ἔγραψα.
>
> I did these things [freed the land and the people], through legitimate authority, by fitting together force and dike, and I followed through as I promised. I wrote legislation applying equally to the kakoi and the agathoi, having fit together a straight dike to each one. (Fr. 36.15–20)[18]

The association of dike with βίη (bie or force) and θεσμοὺς (thesmos or written legislation) is at the center of Solon's own view of his practical response to the crisis of political slavery in Athens. In the first use of dike in the phrase, "ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας," Solon describes the application of legitimate official power in the enforcement of the proper norms of political behavior. This usage reflects the lexicographical meaning of characteristic norm. This traditional meaning is augmented by the foundational sense of dike developed in fragment 4, namely, the objective norm of political life informed by the polis idea. In the second use, in the phrase, "εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην," Solon describes in terms of dike his attempt to establish an appropriate equality of citizenship between

[18] ἁρμόσας in verse 19 following ξυναρμόσας in verse 16 is an example of the simplex following the compound verb, with the simplex exhibiting the meaning of the compound. See Renehan, 11 and 15, who discusses this syntactic phenomenon and cites fr. 36.16–19 as an example. Moreover, the interpretation of the phrase ὁμοῦ βίην τε καὶ δίκην ξυναρμόσας depends on the reading ὁμοῦ. The difficulties surrounding this reading of the text are not reported in West's apparatus. For the variations see Rhodes 1993, 176 and Ostwald 1979, 3 n. 5. For a defense of ὁμοῦ see Renehan, 49.

the agathoi and the kakoi through a system of written legislation. This use reflects the lexicographical meaning, rule of law, but again is augmented by the new foundational meaning of dike. This second use refers more specifically to particular decisions applied to individual citizens under a rule of law. Therefore, both usages of dike in the passage fall within traditional lexicographical senses but are infused with a new life by Solon's awareness of the fundamental importance of the polis idea.

The association of δίκη with βίη is striking because traditionally the two concepts are antithetical.[19] Wolf in his book *Griechisches Rechtsdenken* actually uses this opposition to help articulate one of the defining features of the lexicographical sense of dike which refers to the norms of human behavior. He looks to *Il.* 13.6, where Zeus leaves the battlefield of Troy to visit the land of "'Αβίων . . . δικαιοτάτων ἀνθρώπων," (the Abioi, most just of men). Wolf points to the significance of the metaphorical name Abioi (α-privative + βίη), meaning un-violent. Linking this name with dike through the word δικαιοτάτων, dikaiotaton, or most just, fixes the absence of force and violence as one of the special characteristics of dike. According to Wolf the renunciation of force was a long-standing attribute of dike, associated with a godly fear of doing ἀδικίαν (adikian or injustice) and the voluntary observance of order. Thus he says:

> Deshalb heißen die "Ἄβιοι" ein nach der Sage am Pontus Euxinos wohnhaftes Volk, das keine βία kennt, "δικαιότατοι," die am meisten (von allen) "δίκη" Übenden.[20]
>
> (The "Ἄβιοι," a people according to legend dwelling near the Black Sea, who did not know βία, are called "δικαιότατοι," i.e. those who practice "δίκη" most of all.)

Hence the absence of βίη is part of the definition of δίκη. Therefore, Solon's connection of δίκη with βίη at first appears strange.[21] Nevertheless Solon does intend here the lexicographical sense of dike which implies the proper norms of human behavior, in part because the juridical sense of dike is impossible. There is no context in the frag-

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[19] Cf. Hes.*Op.* 274–278. See also Gagarin 1973, 90, who notes that in Hesiod "δίκη is clearly oposed to force (βίη) and violence (ὕβρις)."

[20] Wolf 1950, 91–92.

[21] Linforth, 187, notices the striking nature of the joinder of βίη and δίκη in his commentary on this verse observing that "ordinarily a thing done βίᾳ is not done δίκῃ."

ment, nor in any of the political poems, to support the more specific juridical sense: no trials, bribe-devouring kings, punishments or the like. The resolution of the contradiction lies in Solon's new sense of dike.

To understand the link between δίκη and βίη requires a correct interpretation of the word κράτει. Solon does not intend the word to be taken synonymously with βίη.[22] The participle ξυναρμόσας governs the words βίην and δίκην together as a compound object so that κράτος is a third element.[23] Although κράτος, like βίη, can have the sense of violence through bodily force, it also has the extended sense of legitimate political power,[24] and this is how Solon is using the word. Solon enacted his reforms through a legitimate political authority. Thus κράτει here means 'by the legitimate power of a special appointment conferred by the people of Athens.' This sense of κράτει is consistent with Solon's constant emphasis in other political fragments that he refused to transgress the legitimate use of power by establishing a tyranny. Thus Solon indicates that his political work issued from consensus, not from violence, and this is the background within which he fit force and dike together.

The now particularized Framework of Dike shows that Solon's concern in the political poems is with the behavior of the agathoi and the kakoi of Athens. Fragment 4 showed that the measure of this behavior was political dike which takes its normative force from the polis idea. Solon presents slavery in fragment 36 as a great image of the totality of the debilitating and corrupting effects of the unjust behavior of both the agathoi and the kakoi. The behavior of the agathoi is the primary cause of the conditions of slavery in Athens. The kakoi, however, are not blameless for the general injustice which prevails in the city. It is clear from the Framework of Dike that they can be grasping in their own way, and Solon indicates here in fragment 36.20–22, specifically, that the kakoi required restraint: "ἄλλος . . . οὐκ ἂν κατέσχε δῆμον" (some one else would *not* have restrained the demos [implying that such restraint was part of Solon's program]). The intention of Solon's reform was to bring the behavior of both

[22] *Pace* Linforth, 187, who says: "βίην repeats the idea of κράτει, and the line is an apology of the lawgiver for resorting to force at all."

[23] Because κράτος is a third element in the passage, Hes. *Th.* 437, νικήσας δὲ βίῃ καὶ κράτει is not a proper parallel.

[24] See LSJ s.v., βία, I (force of the body) II (act of violence) and s.v., κράτος, II (power, esp. of political power).

groups back into conformity with political dike, to make the agathoi rule (as they had before they rejected the polis idea) and the kakoi obey, all with a view to a koinonia informed by dike, i.e. the norms implied by the polis idea. Thus he eliminated slavery by fitting dike together with force. That is to say, he imposed measures to compel the Athenians to behave in conformity with the polis idea.

The proper significance of βίη or force in Solon's formula illuminates his understanding of the institutional reality of the polis. Solon, having been invested with legitimate and proper authority (κράτει, fr. 36.15), speaks in fragment 36 as the arbitrator of the conflicting interests of the agthoi and the kakoi. The imposition of force to bring the behavior of these citizens into conformity with the polis idea constitutes one of the foundational features of political dike. In fragment 37.9–10 Solon describes his role as arbitrator in contrast to the role of tyrant: "ἐγὼ δὲ τούτων ὥσπερ ἐν μεταιχμίῳ/ὅρος κατέστην" (I stood as a horos, i.e. boundary marker, between the agathoi and the kakoi as if between two armies). The image of the horoi in fragment 36.6 thus stands in contrast to the image of the horos in fragment 37. The horoi (in fragment 36) are an image of slavery, which is wholly contrary to the foundations of political dike. The horos (in fragment 37) is an image of the independent interests of the polis itself as advanced by the just arbitrator. By this image Solon shows how the βίη or force which created slavery becomes an instrumentality of dike in the hands of the arbitrator who acts to institute the polis idea among feuding citizens, factious with the force of warring armies. Thus, as arbitrator, Solon represents the polis in its capacity as a reality which transcends the interests of individuals. Because the authority of his position is legitimate, the βίη by which he imposes behavioral reform flows from the very foundations of political dike.

It is important here to recall in connection with the role of the just arbitrator the defining work of Eunomia. In the Framework of Dike it became clear the Eunomia abolished all slavery in the polis by abolishing the evil of self-interest. The arbitrator in fragment 36 is attempting the same work and is therefore to be seen as an instrument of Eunomia. In as much as Eunomia is a reflection of σεμνὰ Δίκης θέμεθλα, which is Solon's image of the polis idea, the arbitrator's work is to re-establish the polis idea in Athens by enforcing dike in the behavior of the agathoi and the kakoi.

Thus Solon reversed the traditional opposition between βίη and δίκη as an indication of the deep connection between his own work

and the polis idea. To force the Athenian agathoi and the kakoi to act as it was their dike to act, namely, in accordance with the polis idea, is to transform βίη or force into an instrument of justice. So transformed, the βίη of fragment 36 stands in contrast to the force and violence of the tyrant: "οὐδέ μοι τυραννίδος/ἀνδάνει βίῃ τι ῥέζειν" (To act by the force of tyranny is not pleasing to me, fr. 34. 7–8).[25] In contrast to the arbitrator's justified βίη, tyrannical force is contrary to dike because it is contrary to the polis idea.

In addition to fitting together force and dike, Solon pursued his reforms in a special way within the compass of written law. He says most specifically:

> θεσμοὺς δ' ὁμοίως τῶι κακῶι τε κἀγαθῶι
> εὐθεῖαν εἰς ἕκαστον ἁρμόσας δίκην
> ἔγραψα.[26]
>
> I wrote legislation applying equally to the kakoi and the agathoi, having fit together a straight dike to each one.
> (Fr. 36.18–20)

The combination εὐθεῖαν δίκην or straight dike is unusual because the phrase is normally plural and means correct or proper verdicts,[27] as was shown in the Lexicography of Dike. The explanation of Solon's thinking here involves three ideas: Solon promulgated θεσμούς

[25] I print Kenyon's ῥέζειν here for the uncertain portion of the text which West prints as [. . .].ε[ι]ν.

[26] Three separate points:

As Ostwald 1979, 15–16, shows, θεσμούς here means written statute "sanctioned by powers outside and apart from the human agent who is expected to obey them" (that power in this case being the polis of Athens in the sense in which it is independent of its citizens).

For purposes of illuminating the meaning of δίκη in the passage, it does not matter whether Solon promulgated a single statute directed to the problems of land and debt slavery or a more universal codification of laws. See Hölkeskamp, 91, who raises the point, contrary to more standard interpretations of the phenomena of legislation in the sixth century, that law-givers merely issued isolated laws to deal with particular problems, rather than comprehensive law codes.

West prints the post-positive δέ in v. 18 instead of the τε found in the London papyrus of *AP*, corrected to θ', which is also found in Aristides. This is the so-called 'copulative δέ' which connects successive sentences that add something new, but not opposed, to what precedes. Smyth § 2836. This usage of δέ, therefore, does not interrupt the explanation begun by the words "ταῦτα . . . ἔρεξα" (vv. 15–17), but simply adds the δίκη associated with written law to the δίκη of customary norm enforced by βίη as a second and slightly different means by which Solon acted to eradicate slavery in Athens.

[27] Cf. Gagarin 1973, 88–89, stating that δίκη in the singular meaning settlement is rare.

or written statutes in his capacity as a representative of the independent interests of the polis; the statutes applied equally to agathoi and kakoi; and this mode of application results in the characterization of δίκη as εὐθεῖα or straight when it is applied to every member of the polis community.

Solon's actions as arbitrator transcended the particular interests of both the agathoi and the kakoi. The aim of these actions was the restoration of the polis idea whose suspension in Athens was at the heart of ubiquitous injustice. His legislative acts, therefore, were in a real sense the laws of Athens. He states this in a pragmatic formula which describes the effect and not the theory of the political reality. He wrote the laws ὁμοίως τῷ κακῷ τε κἀγαθῷ, i.e. to apply equally to the kakoi and the agathoi.[28] This principle was for Morris a foundational element of the polis idea, which he saw reflected in his archaeology of burials:

> I have argued that the rise of the polis was a social revolution, which was able to come about because of a crisis within the ranks of Dark Age agathoi. The driving force was however the relationship between the agathoi and the kakoi. The particular forces which led to the changes remain obscure, but they must have been powerful indeed; and the changes themselves, and the polis they created, have to be seen as improvements in the way of life of the kakoi. *Isegoria* and *isonomia*, best translated as 'equality through speech' and 'equality through the law' were more than empty words in the polis.[29]

In the case of Solon's Athens the principle represents not the foundation, but the re-foundation of the polis idea as the basis of political dike.

One consequence of this principle is the fitting together of straight dike for each and every individual citizen of the polis. The inter-

[28] The adverb ὁμοίως can bear the sense, equally, alike, of the same force. See LSJ, s.v. ὅμοιος, C.II.2. See also Rhodes 1993, 177, commenting on this line: "Solon enacted laws which were fair to the lower and upper classes alike."

[29] Morris 1987, 205. Cf., also, Solmsen, 122 n. 74: "It is scarcely necessary to mention that for the purposes of the law courts Solon considered all men as equal. F.E. Adcock in his beautiful and judicious chapter on Solon (C.A.H. 4) says that 'men' were by Solon rendered 'equal before the goddess of Justice though not in the counsels of the state' (p. 56). I subscribe to the substance of this statement, but while not wishing to quibble I should yet emphasize that Solon would not think of Dike as restricted to the sphere of the law courts. It is difficult for us to realize that Justice did not for him imply complete equality but rather a condition of τοὺς ἀνίσους ἄνισα ἔχειν."

pretation of Solon's understanding of dike here depends upon the implications of written legislation. Concretizing law through writing, generally speaking, is a safeguard against the domination of powerful private interests within the polis. Thus it tends to support an egalitarianism of participation in the benefits of polis life based, not on the accident of power, but on factors essential to the principle of political organization, e.g., in the case of the polis idea, land, agriculture, and religion. Against this background Solon's phrase εὐθεῖα δίκη or straight dike does not signify a correct verdict as is usually the case with the plural εὐθεῖαι δίκαι. The connection of dike with written law indicates that Solon intends something akin to the lexicographical sense, rule of law, but not this meaning precisely because the qualification εὐθεῖα, i.e. straight, adds something more. In a manner reminiscent of the juridical sense of εὐθεῖαι δίκαι or correct verdicts, εὐθεῖα, i.e. straight, adds the idea of the application of a standard of judgment free from corruption by fraud. The standard here is the polis idea. By enforcing behavior among citizens consistent with the fundamental egalitarianism of the polis idea, Solon has both removed the prevailing corruption in Athens and re-established political dike as a measure of right action. Therefore, the aim of Solon's work has been to create conditions within the polis where the norms of political dike would apply equally to all citizens. This he expresses through the figure of the arbitrator, the representative of the polis as a transcendent ideal, fitting together straight dike to the citizens. The most concrete manifestation of this dispensation is equality under the law expressed in a written, promulgated code of legislation, which shows no favor based merely on the distinction between agathoi and kakoi. Thus, whereas in fragment 4 εὐθεῖαι δίκαι was one of the particular benefits of the well ordered city of Eunomia, εὐθεῖα δίκη here becomes an essential property of the very polis idea which constitutes the foundations of political justice.

Solon's use in fragment 36 of the deities Earth and Time confirms the influence of the polis idea in his conception of dike. Solon called the dark Earth, at first enslaved but now free, to bear witness to his achievement in the dike of Time:

> συμμαρτυροίη ταῦτ' ἂν ἐν δίκηι Χρόνου
> μήτηρ μεγίστη δαιμόνων 'Ολυμπίων
> ἄριστα, Γῆ μέλαινα
> . . . .
> πρόσθεν δὲ δουλεύουσα, νῦν ἐλευθέρη.

> The dark earth, the most excellent mother of the Olympian gods, which was enslaved [before my reforms], but is now free, would give witness [to the success of my work] in the dike of Time.
> (Fr. 36.4–5, 7).

The dark Earth represents the physical land of Athens. The addition of the ideas of slavery and freedom indicate more precisely that the goddess represents land in its political significance. The enslavement of the land as the negative image of the political crisis in Athens is the antithesis of Solon's corrective work. From Solon's perspective in this poem the essence of his reform involved establishing mechanisms of greater egalitarianism between the agathoi and the kakoi, and this became one of the central elements in his re-foundation of political dike. Therefore, the enslavement of Athenian land represents an imbalance in the access to politically significant landed rights between the agathoi and the kakoi. The description of this condition in terms of slavery shows that the imbalance was extreme. Since the kakoi would have born the brunt of this slavery, the image of the enslaved earth represents a rejection of the polis idea in Athens by the agathoi consonant with the similar notion developed by Morris in his archaeological researches. In addition Solon curiously telescopes the progeny of Ge naming only the Olympians, her more remote descendents. By this technique he associates the ancient dignity of Ge with the land over which the Olympian Athena presides and thus emphasizes the inveterate significance of the polis idea to the organized life of the Athenian people. This makes their current neglect of the polis idea all the more emphatic. Therefore the personification of the land in the figure of the dark Earth indicates that the restoration of the polis idea was at the heart of Solon's conception of dike.

The personification of time as a goddess has a similar purpose in the poem. The Earth gave her witness ἐν δίκῃ Χρόνου, in the dike of Time.[30] The correlation between dike and chronos here is remi-

[30] The striking phrase ἐν δίκῃ Χρόνου has long attracted the attention of commentators, and those who have not suggested emendation have posited two interpretations. Some have taken it to mean in the court of time and others in the judgment of time. See Linforth, 185 and Rhodes 1993, 174. Rhodes discounts the interpretation, in the court or tribunal of time, thinking that δίκη for court is not possible in a writing as early as Solon. This contradicts Ostwald, 1973–74, 676, who takes the same phrase, ἐν δίκῃ in Hes. *Th.* 434 to mean just this. It might be noted that the context of Hes. *Th.* 434—ἔν τε δίκῃ βασιλεῦσι παρ' αἰδοίοισι καθίζει—is more unambiguously juridical than Solon fr. 36.3.

niscent of the similar collocation in fragment 4.16 where the goddess Dike was said to come inevitably in time (τῷ χρόνῳ) to exact vengeance upon the agathoi for their rejection of the polis idea. In fragment 4 Dike was the grammatical actor, the referent of action was the neglect of the polis idea in Athens, and χρόνος or time, though not personified, reflected the normative nature of political dike. In fragment 36, the Earth is the actor, the referent, the restoration of the polis idea, and time again represents the normative character of dike. By personifying time itself Solon augments further the significance of associating the ancient dignity of Ge with the polis idea. In this way χρόνος or time has much the same implication in fragment 36 as it did in fragment 4. The earth will be able to adduce time itself in its witness to Solon's work. The mere progression of time will demonstrate the normative nature of dike since nonconforming political behavior will inevitably lead to the ruin of cities. Thus Solon's introduction into his poem of these two significant primordial deities from Greek cosmology only adds force to his notion that dike is an eternal norm of political life. Therefore the phrase ἐν δίκῃ Χρόνου may be translated, in the tribunal of Time, but this tribunal must not be disassociated from the standard of judgement to be applied therein. It is none other than Dike herself who will use the witness of the dark Earth to approve Solon's restoration of the polis idea in Athens. The lexicography is standard, but the meaning is charged with overtones of the polis idea. Here the fusion of fragments 4 and 36 is complete. The logic of the personification of time again points to Solon's understanding that the normative nature of political dike is informed by the polis idea, but in fragment 36 Solon revels dike in its pragmatic character as a tool of political reform.

The analysis of fragment 36 now comes back round to the opening verses. The problems of injustice in Athens were fundamentally due to a rejection of the polis idea by the agathoi. Perceiving this source of Athens' political crisis in his own terms, Solon attempted both to explain the cause and to proffer a remedy in terms of dike. The political relationship between the agathoi and the kakoi was not in line with the foundations of dike. Each had in various degrees forgotten the polis idea, and neither were enamoured of Solon's view that the restoration of this idea would establish political dike. Solon struggled to reconstruct the relationship between them according to straight dike, despite their resistance. Thus he said: "τῶν οὕνεκ' ἀλκὴν πάντοθεν ποιεόμενος/ὡς ἐν κυσὶν πολλῇσιν ἐστράφην λύκος" (Because

of these things [the discontent of the agathoi and the kakoi] I defended myself all around, like a wolf surrounded by many dogs, fr. 36.26–27). It was the agathoi, however, who were most actively forgetful of the polis idea because they enslaved not only the land of Athens but the kakoi as well. Therefore Solon reveals right in the very first words of fragment 36 the most visible and palpable sign that the polis idea informed his understanding of political dike. He says: "ἐγὼ . . . ξυνήγαγον/δῆμον . . . /πολλοὺς δ' 'Αθήνας πατρίδ' ἐς θεόκτιτον/ἀνήγαγον" (fr. 36.1–2, 8–9). In light of the entirety of the analysis, one comes close to the heart of Solon's thinking to re-interpret these words to mean: I reconstituted the demos by returning many of the kakoi to the divine land of Athens. That is to say, Solon attempted to re-established a proper relationship between the kakoi and the agathoi in terms of the polis idea which the agathoi had for a long time rejected in Athens.

The aim of Solon's implementation of dike, described in the language of the Framework of Dike, is to return the allegiance of the agathoi to the foundations of political justice, the σεμνὰ Δίκης θέμεθλα, and thus to re-establish the city of Eunomia in Athens. The characteristics of this city are good order in the human agents of governance, both the rulers and the ruled, (πινυτά), and good order in the institutions of government (εὔκοσμα), which together constitutes a prevailing harmony in the polis (ἄρτια). With the authority to pursue reforms in his hands, Solon used legitimate instruments of coercion (βίῃ) to direct the political behavior of the Athenians, primarily of the agathoi but also of the kakoi, so that the results of their actions would allow things in the city to be πινυτά. That is to say, Solon desired the concrete effects of such behavior to issue from an understanding of the characteristic dike of ruling well and obeying well. Effects of this kind reflect the harmony of well ordered political life from the standpoint of human action. With the same authority, Solon also attempted to secure the norms of such right behavior in the institutions of law. The straight dike of this behavior became an institutional requirement applicable to every agathoi and kakoi. The promulgation of such written law contributes to making things εὔκοσμα in the city. The written law reflects the harmony of political order from the standpoint of institutional government. Together legitimate coercion by the statesman and the institutionalization of the principle of dike in the law contribute to overall harmonious conditions, ἄρτια, in the city.

The freeing of the land symbolizes for Solon the greatest effect of this harmony, and opens the way for a translation of the terminology of the Framework of Dike into the terminology of the polis idea. Things will become πινυτά in the city because Solon is directing the agathoi to recognize the rightful and proportionate citizenship of the kakoi in the polis. The symbolism of land in fragment 36 indicates that this citizenship materialized, at least to some extent, by a revitalization of the real property rights of the kakoi and of the inclusive agrarianism which that entails. Things will become εὔκοσμα in the city because Solon is institutionalizing in the law the εὐθεῖα δίκη or the fundamental, if basic, egalitarianism which Morris saw as the essence of the polis idea. Together, an openness to a meaningful participation in the life of the polis for the kakoi and the existence of institutions to encourage and support this way of life reconstitute an eunomia in Athens which reflects the fundamental aspects of the polis idea. Thus has Solon directed the attention of the city back to the altar of the goddess, to the σεμνὰ Δίκης θέμεθλα.

Summation

This reading of fragments 4 and 36 encompasses the following ideas:

1. The poetic image σεμνὰ Δίκης θέμεθλα, i.e. the august foundations of Dike, represents the polis idea as Solon grasped it through his own political experience.
2. According to the poetic force of this image, dike is an immutable and objective norm, informed by the polis idea, which became for Solon the standard of political behavior.
3. When Solon says that he fits dike together with force, he can be understood to mean that he attempted to re-institute the polis idea in Athens at the level of the behavior of citizens.
4. When he says that he fits together a straight dike to each citizen within the context of written legislation, he can be understood to mean that he attempted this re-institution of the polis idea at the level of the official agencies of political authority.
5. While Solon's use of dike in the political fragments is within the range of traditional lexicography, overtones of the polis idea add a new element to the meaning of dike.

The combination of the turbulent politics of sixth-century Athens, the near universal flourishing of the polis idea in other cities throughout the Hellenic world, and the particular education and character of Solon himself all made possible his new thinking about dike. He was able to realize that something was deeply and profoundly wrong in Athens compared to other cities in which the relationship between agathoi and kakoi seemed more stable and successful. In light of such knowledge he reflected upon the fundamental principles of civic and social organization. When he found himself in the position of political reformer, theoretical reflections met pragmatic necessity. He had to correct, to the extent of his legitimate power, the badly skewed relationship between the agathoi and the kakoi in Athens. Enveloped in this work he thought about the requirements of dike, from the particularity of daily judicial verdicts to the magisterial ideal of the rule of law. When he finally set himself to produce a record in poetry of his reflections and his work, he described the political turmoil and his attempted solutions in terms of dike. He recognized the polis idea as the key to a restoration of order in Athens, and it became a norm and model for his work. He described these insights not in the language of Morris and the new classical archaeologists, but in the traditional language of dike. However, grafted on to the tradition were new thoughts gleaned from new insights. In this way, then, Solon created a modality of political thought informed by Athens' unique situation in the beginning of the sixth century. Political dike became an instrumentality of the restoration of a kind of order that later scholars could recognize as the polis idea.

CONCLUDING REFLECTIONS

The fragments of Solon are indeed a unique record of the Archaic Age. They come from the mind of one of the most central persons in the history of Greek political and literary culture and were produced during a formative transitional period in that city which is of such great significance to our own history. Though it would be of inestimable value, a full understanding of Solon's poems is beyond the power of investigation. The fragmentary nature of the text and the lacunae in the tradition make this impossible. Nonetheless, scholars have been undeterred and over the years have attempted in numerous ways by numerous methods to recover something of the social and political realities lying behind the words of Solon.

Whenever new information came to light or creative approaches to the fragments were conceived, scholars would return again to the important question of Solon. Thus, for example, when the earth yielded the papyri which contained the *Athenaion Politeia*, scholars of the caliber of Wilamowitz turned anew to Solon. When Jaeger saw connections with Anaximander, he reexamined Solon's understanding of dike. The hope was always that new knowledge or new ideas external to the fragments would provide a mechanism for a fuller understanding of Solon's relatively few words. The inherent difficulties of the incomplete text and the various shortcomings of past approaches should not obscure the main point. When a new possibility arises to bring an external measure to the poems of Solon, the importance of the subject demands the attempt.

The contention of this inquiry has been that the polis idea, derived from the researches of new classical archaeology, is knowledge of this kind. The practitioners of the new archaeology have attempted to articulate what the polis was in the Archaic Age at a period of time more contemporary with the life and work of Solon than any other evidentiary sources pertinent to his poetry. Moreover, the particular results of Morris's archaeology of burials, namely the rejection of the polis idea in Athens, establishes a direct connection to the work of Solon. The polis idea, therefore, provides a new window through which to peer into the meaning of Solon's political poetry.

Jaeger rightly emphasized that one should read Solon's poems as poetry and not as history. However, we have seen the inadequacies of this principle when interpretation is too far divorced from knowledge of the actual political work of the poet. The application of the polis idea to a reading of the political poems honors Jaeger's principle while limiting the distortion of disconnection from Solon's actual efforts in managing Athens' political crisis. The political poems are indeed an expression of Solon's poetic impressions of the realities that drove his own pragmatic work. Thus Solon did not describe in his poetry the particulars of land tenure or the specifics of legislation. Rather, he engaged the power of poetic composition to create images expressive of the affective impact of the profound turmoil of his city. Solon did not wish to compose a poetry of details but a poetry of the universal political causes behind them. This he chose to do in a poetics of dike: the pregnant image of the holy foundations of the goddess, the surprising juxtaposition of dike and violence, and the subtle idea of straight dike as the essence of the arbitrator's legislative power.

Because the polis idea is also not an account of historical particulars but an articulation of a principle of social and political organization, it operates at the same level of universality as does Solon's poetry of dike. The new classical archaeologists, for example, have not tried to explain the particular legalities of citizenship but have, rather, attempted to explain how certain modes of participation in organized social life based on land, religion, and agriculture were formative of the polis. Thus the polis idea is an external body of knowledge related to the concerns of Solon's political poetry and commensurate with Solon's conception of dike as a political principle. Accordingly, in this inquiry the polis idea became a measuring rod for interpreting Solon's substantive understanding of dike.

Morris's archaeology of Athenian burials provided a specific link between the polis idea and the subject matter of Solon's political poetry. Solon came to realize, in terms of his own contemporary conceptions, that the rejection of the polis idea by the Athenian agathoi accounted for the deep political problems of his city. To the extent that this condition was unique to Athens, Solon's awareness of the importance of the polis idea will have been unique in comparison to the political poetry of his predecessors. Hesiod and Tyrtaeus come to mind. Preliminary impressions suggest that the polis idea did not impact the sensibilities of these poets as it did Solon. Hesiod

was not interested in the politics of faction and enslavement nor was Tyrtaeus concerned with problems of internecine instability in his city. To this extent, then, Solon's understanding of dike seems to be something new in Greek political thought.

The value of approaching Solon's political poems through the polis idea shows itself in at least three ways. First, the polis idea connects Solon's poems to the historical realities of his age in a concrete, although general way. The references in the political poems to land and religion, to political slavery, and to the general relationship between the agathoi and the kakoi all find readily identifiable referents in new classical archaeology's account of the development of the polis in the Archaic Age. Thus Solon's poetry becomes historically verifiable without the need to solve the kinds of problems discussed in Chapter I. Second, the polis idea allows for the interpretation of a new conception of dike in Solon without recourse to the kind of strained analysis which enveloped Jaeger. To conceive of dike in terms of the polis idea is itself new, and there is no further need to pursue parallels with Anaximander and to make Solon a philosopher of the natural law. Finally, the polis idea gives a more specific content to the kinds of theories which critics like L'Homme-Wery and Blaise creatively applied to the poems. Thus notions like political harmony and demythologized justice can be referred to the polis idea and understood to represent something actual in Solon's work and conceptions.

These points indicate that the application of the polis idea to Solon may have produced desirable fruit, yet it must be said that the roots of the tree are delicate. The conception of the polis idea, in general, and of the conclusions of Morris's archaeology of burial, in particular, carry an inherent fragility, one common to all archaeological knowledge. De Polignac expresses this limitation with frank candor in connection with his own work on the polis:

> Any general theory which seeks to account for phenomena previously considered separately runs the risk of producing an interpretative model which is too rigid and which treats in an over scheming way a reality which is rather more variable and nuanced than the explanations proposed for it. In the case of a theory based on archaeological data, there is a further danger of which one must be more or less aware: that of being proved false by a new discovery which brings into question facts until then held to be certain.[1]

[1] De Polignac 1994, 3.

Thus the interpretation of Solon's understanding of dike offered here, based as it is in on the archaeology of the polis, is subject to obsolescence. However, all approaches to the early material of archaic Greece are fragile in this same way, being always subject to new knowledge. All that need be said, however, to justify the efforts of this inquiry is that the possibility of a new look at the mind of Solon is worth the risk.

APPENDIX I

THE ATTHIDOGRAPHERS AND THE PRESERVATION OF THE AXONES

Many of the writers of antiquity had occasion, for one reason or another, to reference and quote the poems and laws of Solon.[1] Solon's poetry and such remains of his legislation as may be genuine are, of course, invaluable primary material for a study of the life and work this important figure.[2] The issue of the character of the remains of Solon's legislation is connected with the problem of the Atthidographical sources of *AP* and Plutarch, which, of course, are the most important ancient sources from the secondary tradition on Solon.

The fundamental problem underlying the evaluation of the quality of *AP* and Plutarch's sources for Solon is the nature of the historical work of the Atthidographers,[3] whose tradition these works transmit. The problem of the Atthides vis-à-vis the historicity of Solon is exemplified in the relative silence of Herodotus on the political crisis faced by sixth century Athens and the work of Solon in relation to it. To be more explicit, one may infer from Herodotus's silence that there was a marked absence of an oral tradition touching upon the political upheaval which led to the legal, political, and

[1] For a list of all ancient sources citing Solon see Freeman, app. A.

[2] See Ruschenbusch 1966, vii: "Bei dieser Sachlage ist es nun ein glücklicher Umstand, daß gerade für die Frühzeit drei wichtige Primärquellen vorliegen, die Gesetze des Drakon und die Gedichte und Gesetze des Solon. (In this state of affairs [namely the lack of reliable ancient authority for the history of Archaic Athens] there is a fortunate circumstance, namely, that precisely for this early period there are three essential primary sources: the laws of Drako and the poetry and laws of Solon.")

[3] The so-called Atthidographers are writers of histories of Athens and Attica beginning with the immigrant Hellanikos of Lesbos, publishing his work probably soon after 404/3, and ending with the Atthis of Philochoros in 17 volumes, who probably began his *magnum opus* around 290. Between these two writers fall the five other Atthidographers, all of whom were native Athenians: Kleidemos, Androtion, Phanodemos, Melanthios, and Demon. Kleidemos, the first native-born Athenian Atthidographer, probably published his history between 345 and 340, well into the period of the radical democracy when ideological battles over the best form of government were prevalent. For a treatment of the Atthidographical sources in general see Jacoby, 1949, passim, chap. 1.

constitutional changes instituted by Solon. Linforth recognizes, theoretically, that such an oral tradition would be as valuable a historical source about the realities of that period as is the documentary tradition which he believes the poems of Solon to be.[4]

The pertinent question about the Atthidographers, then, is what could their sources have been.[5] Here one confronts the issue of the internal biases of the various Atthidographic histories. This is the well-known problem of possible political colorings in the various Atthides and their potential sources: oligarchic leanings in the politicizing pamphlets of Theramenes (written in 404 according to Wilamowitz in *Aristoteles und Athen*), radical democracy in the work of Kleidemos (perhaps written in 354), and a more moderate democracy in the work of Androtion (written shortly after and in response to Kleidemos).[6] It becomes an issue, then, how these coloring may have influenced the composition of *AP* and Plutarch, who in part followed *AP*.

By the time the native-born Atthidographers set to work, "the wells of historical truth had been fouled by the activities of political propagandists."[7] It is widely held that both Plutarch and *AP* based their accounts of Solon on the work of these Atthidographers. From this fact arises the disturbing conclusion that *AP* and Plutarch are no more historically valuable on Solon than their more or less biased Atthidographical sources. The unpalatable taste of this inference sharply juxtaposed against the respect for the Aristotelian aura surrounding *AP* led some to consider whether in fact *AP* might not be based, rather than wholly on the Atthides, on original research of documentary sources surviving from the sixth century. It was precisely this problem that prompted Wilamowitz to posit the existence of exegetical records of sacred tradition which, he hypothesized, began to include brief narratives of important historical events above

[4] Linforth, 6.

[5] Cf. Ruschenbusch 1966, vii, who remarks about the evidentiary character of the Atthidographers: "Es hat sich nun herausgestellt, daß diejenigen Nachrichten der Atthidographen, die nicht aus Herodot oder Thukydides stammen, häufig nicht auf mündlicher oder schriftlicher Tradition beruhen, sondern Ergebnisse von Rückschlüssen oder gar Erfindungen sind." (It has turned out now that those accounts of the Atthidographers, which do not stem either from Herodotus or Thucydides, rest frequently neither on oral nor written tradition, but are the results of inferences or even inventions.)

[6] Hignett, 7.

[7] Ibid., 5.

and beyond their more ordinary religious subject matter. Other scholars rejected Wilamowitz' hypothesis, but posited instead that the original text of Solon's legislation was available to Aristotle and his students.

The issue of the existence of early documentary evidence, including the laws of Solon, divides the scholarly community into two camps. Some scholars doubt whether any significant records were maintained in early Athens and whether the ones known to have existed, e.g. the records of the laws of Solon, were accessible in a sufficiently unadulterated form to be of value for historical research. Other scholars hold that documentary sources were much more usual and prevalent than this and were preserved into the fourth century in an accessible form. The most prominent proponent of the first school is C. Hignett who concludes in *A History of the Athenian Constitution*: 1) the Atthidographers could not have used any documentary sources surviving from the sixth century; 2) the actual laws of Solon were not accessible to historical investigators of the fifth century; 3) *AP* was not a work of Aristotle and inferior in judgment to the treatment of Solon in *Politics* 1273b35–1274a21. The opposite school is represented by R. Stroud in the essay "State Documents in Archaic Athens," found in *Athens Comes of Age*, who concludes that part of the laws of Draco and the laws of Solon, along with other kinds of documentary sources, were available and accessible to the Atthidographers and to Aristotle.

Hignett presents the following points of argument. There is no sign of an oral tradition concerning Solon and his reforms in Herodotus or Hellanikos. By the time of the first native Atthides the writers are already biased by political ideology which finds its way into their accounts of Solon and early history in general. Moreover, the archon list provides no corrective, since it is not a source of constitutional or political history. The weight of evidence suggests that the original constitutional laws of Solon no longer existed in the fifth century and that the term "laws of Solon still in use" found in *AP* 8.1 and 8.3, as well as similar references in the orators, are in fact references to the revision of the Athenian law code begun in 410 and completed in 403. Since revisions and amendments had to have been added to the laws of Solon over the years from the early sixth century to the period 410–403, what existed at the time of the revision was not the original law of Solon. The Athenians showed no inclination for preservation of historical documents until later in the fifth

century. There is reason to doubt the authenticity of the laws of Solon quoted by Plutarch (Plut.*Sol.* 19.4; 23.4; 24.1–2) and referenced by axon number. The possibility of destruction of any record of the original laws by the Persian invasion of 480 and 479 must also be given considerable weight.[8]

R. Stroud, on the other hand, holds that documentary evidence from the later seventh century (namely portions of the laws of Draco) and from the sixth century existed for the Atthidographers and, more to the point, for Aristotle and his students to scrutinize as evidence in the construction of their histories of archaic Athens. He adduces as evidence the following points. There is first *AP's* reference in 3.4 to the records of the thesmothetai, and Stroud sees no reason to view the office as being established later than the other archon positions as Hignett does. Stroud criticizes Hignett's objection to the antiquity of the office as unhistorical and made only on a priori grounds. The report of Anaximanes of Lampsakos (FGr.Hist. no. 72, F13) and Pollux (8.128) that Ephialtes brought the axones and kurbeis down from the Acropolis in 462 is an indication that a record of the old laws did exist.[9] There is no evidence that these laws underwent any significant revision before 410, and Herodotus explicitly states that Peisistratus, at least, left the laws of Solon unchanged (Hdt. 1.59.6; see also Thuc. 6.54.6). In 430 the comic poet Kratinos referred to the kurbeis of Solon as a barbecue pit. It is a legitimate inference from this reference that the members of the audience must have been familiar with these objects. The laws of Solon were consulted and examined in preparation for the revision of laws beginning in 410. Aristotle is said to have written a treatise entitled "On the Axones of Solon."[10] Stroud rejects Hignett's point that additions and revisions to the code made it impossible to find the original laws of Solon because he denies that the Athenians had so rigid a practice of codifying their laws. Thus the resolutions of Peisistratus, Pericles, Ephialtes, and the like may have been recorded separately and not codified into a new overall revision of the body of Solonian

[8] Linforth, 279–280 held that Solon's axones were so destroyed.

[9] See Stroud, 1979, for the view that the axones were "revolving timbers inscribed on all sides and mounted horizontally in an oblong frame the height of a man" and that the kurbeis were bronze or stone stele-like objects onto which a more permanent copy of the content of the axones was inscribed.

[10] Ibid., 14. Stroud notes a reference to such a work by Aristotle in the *Vita Menagiana.*

law—no evidence for such a wholesale revision exists until the one of 410–403. Finally, it is not unreasonable to believe that the Athenians would have considered the preservation of such a fundamental document as the foundation laws of Solon a national treasure and seen to its removal from the city before the Persian invasions of 480 and 479.

APPENDIX II

REGIONALIST THEORIES OF CONFLICT IN ARCHAIC GREECE

In the opinion of some scholars a so called regionalist model is a more sophisticated method for analyzing political conflict in Archaic Greece than the more common class-conflict model based on oppositions involving birth or wealth.[1] That is to say, these scholars would supplant the theories of *AP* and Plutarch, which are cast in terms of the rich and the poor, the notables and the masses, by hypotheses based more on conflicts explained by regional allegiances. A locus classicus for one explanation of the regionalist model is R. Sealey's article, "Regionalism in Archaic Athens."[2] In a regionalist view conflicts between opposites give way to a competition among equals for political or some other kind of advantage. The idea of horizontal and vertical elements in society helps to describe the difference between these two models. The older idea of class struggle has a vertical aspect where the lines of opposition run between a controlling and a subordinated group, vertical lines of tension, as it were, between upper and lower elements in society. On the other hand, the newer regionalist idea has a more horizontal aspect where the lines of opposition run between groups at the same or similar levels of power in society, e.g. between two roughly equal aristocratic families vying with each other for political influence. Regionalist models, thus, look to horizontal lines of tension between equal competitors. The horizontal focus can have a regional overlay, for example, when the opposing forces have their base of power in different precincts of the polis. The various competing interests of the opposing groups may arise from exigencies particular to the region, what-

[1] See Sealey 1976, 114: "Until recently the crisis confronting Solon was commonly conceived as a class struggle; from the seisachtheia historians tried to conjecture the classes whose interests were in conflict. Lately a *more sophisticated* (regionalist) view has been offered (by Ellis and Stanton) [emphasis supplied]." See also ibid., 129 n. 3.
[2] Sealey 1960.

ever they may be, geographic (citizens of a region are too far from the city to have an effective voice in decision making), demographic (citizens of a region are homogeneous and interested in policies that suit their uniform interests), or economic (citizens from a sheep-herding region want wool subsidies) and the like.

The idea of applying such an analysis to conditions surrounding Solon's work originates from a rather striking methodological distinction. Information about Solon is less well known than information about Peisistratus and indeed than information about the political conflicts of the fourth century in general. Theorists usually begin with an assumption of class conflict in the time of Solon and apply the lesser known to the better known, accepting a class conflict model for all political struggles. Sealey believes that this is a perversion of right method.[3] If one examines the better known situations and finds a regionalist, horizontal explanation for the conflict, one should apply the better known to the lesser known and see whether such a model would not also explain the conflicts of the archaic period.

In Sealey's view "the picture that emerges from all this evidence [i.e. of fourth-century records] is one of intense competition between rival political leaders, each supported by a group of personal adherents."[4] An example of this sort of horizontal competition is seen in the coalition of Alcibiades and Nicias against Hyperbolos, when the former joined their own political voting blocks to bring about the ostracism of the latter in 416/15. Sealey believes that a similar interaction between powerful political groups occurred when Megacles and Lycurgos combined to expel Peisistratus in 561/60.[5]

From the better known regionalism of the fourth century one can thus also work backward to look for the theoretical underpinnings of a regionalism in archaic Athens at the time of Solon. Beginning from the premise that the state was not a strong institution until much later in its development, Sealey, accepts the hypotheses of a stratified society in the Dark Age and traces the roots of power to strong family lines originating in the tribal system existing and developing after the fall of Mycenae. Gradually, certain groups within families maintained their social and economic influence for periods of years and came to constitute genê, gathering more

[3] Sealey 1976, 126.
[4] Sealey 1960, 156.

humble members of the larger family around them in a phratrai. Because the state at this early date was not yet a strong central and controlling force, these dominant genê became the focus of political power in archaic Athens. So Sealey states:

> The importance of the phratry can be approached by considering the notion of Athenian citizenship. All Athenian citizens belonged to phratries, and in the classical period a man whose citizenship was challenged could prove it by showing that he was a member of a deme or of a phratry. The demes were first recognized by the reforms of Cleisthenes late in the sixth century. Membership of a phratry was the older ground of citizenship. This statement can be translated into the terms of the seventh century, when public power was still weak and no clear concept of citizenship had emerged: a man's status depended on his connection with a powerful family, and this connection was realized in the institution of the phratry. Early Attic society should be pictured as a collection of strong households, each having numerous and multifarious dependents. A man who had no links to any such household was weak and vulnerable. Accordingly, it should be expected that political struggles in the archaic state were struggles between the clans.[6]

The Cylonian affair can thus be seen as a struggle of this kind between two or more powerful families from various regions of Attica. Cylon and his followers were from the plains of Eleusis, and the archons of the year opposing him were of the Alcmaeonidai. Myron, the prosecutor of the descendants of these archons was of Phlya. Plutarch's own description of the Cylonian affair could be adduced in support of such a regionalist hypothesis for this conflict, giving rise to horizontal hostilities that lasted into the time of Solon. "καὶ τῶν Κυλωνείων οἱ περιγενόμενοι πάλιν ἦσαν ἰσχυροί, καὶ στασιάζοντες ἀεὶ διετέλουν πρὸς τοὺς ἀπὸ τοῦ Μεγακλέους." ("The survivors of the followers of Cylon also recovered strength, and were forever at variance with the descendants of Megacles.")[7]

J.R. Ellis and G.R. Stanton in their article, "Factional Conflict and Solon's Reforms" attempt a regionalist analysis of the conditions surrounding the Solonian crisis. They look to horizontal conflicts among competing aristocratic factions and eschew theories of class

[5] Ibid.
[6] Sealey 1976, 97–98.
[7] Plut.*Sol.* 12.2; Perrin, 431.

struggle. Sealey calls this approach new and profitable and praises the departure from the class-conflict model:

> Until recently the crisis confronting Solon was commonly conceived as a class struggle; from the seisachtheia historians tried to conjecture the classes whose interests were in conflict. Lately a more sophisticated view has been offered (by Ellis and Stanton).[8]

The beginning premise for their treatment of Solon is that too little account has been taken of the implication of the Cylonian conspiracy and of the related expulsion of the powerful Alcmaeonidai some decades later. They make the point that such an expulsion would have been unlikely unless several lesser aristocratic houses worked together against the interest of the Alcmaeonidai. They articulate their premise as follows:

> Now quite clearly when a powerful family or the important members of it suffer banishment, as the Alkmeonidai did as their penalty, this is the result not of an application of some immutable law by a disinterested authority but of a combination of other powerful clans who invoke the law as an acceptable means of doing what they might well have done in any case by force. It implies a coalition of clans (in the first years of the sixth century) which, presumably for the first time since Kylon, was sufficiently powerful to force the Alkmeonidai into exile.[9]

Ellis and Stanton present Solon's special appointment as a problem which they claim only a theory of aristocratic faction can satisfactorily explain. They do not see how the relatively powerless poor could have marshaled the kind of organized force necessary to compel the more powerful aristocratic families to give near absolute authority to Solon. They look to the idea of horizontal factions as a principle of explanation. Certain aristocratic houses used the discontent of the poor and employed it for their advantage against more influential houses. In the words of Ellis and Stanton:

> It is this conflict between the clans that gives extra point to the grievances of the demos prior to Solon's appointment. While, as noted above, their protestations are not likely to have caused the *oligoi* much loss of sleep, what might have forced the latter as a whole to compromise was the ammunition that these grievances supplied to unscrupulous

[8] Sealey 1976, 114.
[9] Ellis and Stanton 1968, 97.

> clan leaders seeking support. "Free the debtors!" and "Redistribute the land!" would be the bait offered especially to dispossessed peasant farmers or to those in financial difficulties in return for support, active if necessary. In this way the threat to most landowners would have taken on considerable proportions. Here was no disorganized, ill-trained, and unarmed mob; this was potentially a developed system of small armies. And this provided, where an unequal class struggle would not have, a powerful motive for the risk taken by those with most to lose in supporting—if only by not opposing—the appointment of a mediator with extraordinary powers.[10]

Ellis and Stanton acknowledge that much of Solon's work was aimed at relieving the burden on the poor, e.g. the measures of the seisachtheia. However, they see the underlying core of Solon's work as fundamentally intended to reduce the conflict among competing aristocratic clans. They point, for example, to the measures directed to curbing the monopoly of the Eupatridai in the government. Solon diminished the power of the great houses by establishing a criterion of wealth in lieu of birth for holding the offices of archon and therefore also for entry into the Areopagus Council. This tactic, according to Ellis and Stanton, is not to be analyzed in terms of rich versus poor but in terms of an effort on the part of some to equalize the power among the aristocratic clans. Thus Ellis and Stanton say:

> There were in Attika wealthy landowners who were not Eupatridai, men of power and wealth whose qualifications for sharing in the control of the state were admirable, but who, because of their birth, were disqualified from holding office. That these provided an important source of Solon's support is argued by Hignett who adds that this thesis, while finding no direct support in the sources, is consistent with Solon's widening of qualifications for the archonship, so that the top two classes, Pentakosiomedimnoi and Hippeis, were eligible, and with his general insistence on wealth, or rather on agrarian productivity, instead of birth and wealth as the basis of the distinction of classes. But these innovations are also consistent with an attempt to loosen the political stranglehold exercised over the state by the Eupatridai. While it was not an attack on the aristocracy as such it did have the effect of broadening the composition of the *oligoi* and may have been seen as a deliberate weakening of the control of the Eupatrid families over the archonship. Furthermore, because the archons passed into the Areopagus after their year in office, Solon was also broadening the body with the effective power.[11]

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[10] Ibid., 99.
[11] Ibid., 103–104.

Since in this theory Solon's measures advanced the position of previously marginalized aristocrats, the Heliaia, for Ellis and Stanton, was not so much a mechanism for advancing the poor as a way of holding in check the gains made by these lesser aristocratic houses. Enforcement of Solon's reforms was entrusted to a popular court whose base of power was even broader than the newly expanded, wealth-based constituency of the magistrates and Areopagus Council. Again, Ellis and Stanton see the turbulent decade 590–580, marked especially by Damasias' usurpation of power, as a renewal of aristocratic in-fighting and, therefore, as a failure of Solon's work.

APPENDIX III

HANSEN ON SOLON IN THE ORATORS AND THE MINIMUM ARISTOTELIAN VIEW OF SOLON'S DEMOCRATIC REFORMS

The Attic orators are not an unimportant source of information about Solon and his political significance. However, because of temporal distance and political agendas, it is important to approach them with care. The orators look to the constitution of Solon as the πάτριος πολιτεία, or ancestral constitution, in attempts to justify varying positions about the Athenian radical democracy, the form of government which began under Pericles and continued until the revolution of 411 and was restored, in a sense, after the revolution of 404.[1] The parameters of the problem surrounding the πάτριος πολιτεία are very clearly outlined by Hansen 1989, who makes due reference to the various important modern treatments of this issue, including Fuks, 1971 (originally published in 1953), Ruschenbusch 1958, and others. Hansen establishes two things relevant to the tradition of Solon as founder of the democracy: 1) the orators of the 340s invoked Solon as the founder of the πάτριος πολιτεία and present, when taken together with *AP*, a consistent picture of what might be called a maximum tradition of the Solonian constitution;[2] and 2) Isokrates along with Aristotle in the *Politics* present a more minimum tradition of Solon's constitution, chiefly distinguished from the maximum tradition by the view that the expansion of political power of the demos was actually rather limited.[3]

Hansen states the maximum position as follows.

> If we put together all the constitutional reforms ascribed to Solon in fourth century sources—principally the orators and the *Constitution of Athens*—we can reconstruct a most impressive picture of Solon as the founder of the Athenian democracy. He introduced a council of four hundred from each of the four tribes (Arist.*Ath.Pol.* 8.4; Plut.*Sol.* 19.1–2);

[1] See Sealey 1976, 358 ff and 379 ff and Hansen 1989, 76.
[2] Hansen 1989, 90.
[3] Ibid., 1989, 95.

> he established popular courts manned with jurors selected by lot (Arist. *Pol.* 1274a35; *Ath.Pol.* 7.3); a distinction was made between decrees (*psephismata*) and laws (*nomoi*) (Hyp. 5.22); and the passing of *nomoi* was entrusted to special boards of *nomothetai* (Dem. 20.93; Aeschin. 3.38); magistrates were no longer elected, but selected by lot from among candidates who had been pre-elected locally (Arist.*Ath.Pol.* 8.1); the magistrates served without pay or perquisites (Isoc. 7.24–25); their powers were considerably reduced by the introduction of appeal to popular courts (Arist.*Ath.Pol.* 9.1); administration of justice was reformed by the introduction of public actions to be brought by any citizen and not just by the injured person (Arist.*Ath.Pol.* 9.1); the law code was protected by a special public action, the *graphe nomon me epitedeion theinai*, to be heard by the popular courts (Dem. 24.212); the constitution was protected by another public action, the *eisangelia* to the Areopagos against those who attempted to overthrow the democracy (Arist.*Ath. Pol.* 8.4); the Areopagos was allowed to retain its powers to control both magistrates and citizens at large (Isoc. 7.36–55); and finally, Solon is credited with strict regulations for political leaders addressing the people (Aeschin. 1.22–32); Dem. 22.30–32), and these regulations included the provision that citizens above fifty were granted the privilege to speak first (Aeschin. 1.23; 3.2).[4]

He describes the minimum tradition as follows:

> On the other hand, Isokrates' Solonian democracy comes close to the view held by Aristotle in *Politics* II. In chapter 12 Aristotle refers critically to several traditions about Solon's constitutional reforms. If we turn from the traditions reported to Aristotle's own position, we can establish four principles: (1) magistrates were elected, as they were before Solon (1274a2); (2) the powers of the Areopagos were upheld by Solon (1274a1); (3) popular courts were introduced to balance the magistrates and the Areopagos (1274a3); and (4) the powers of the *demos* were restricted to electing and controlling the magistrates (1274a15–18; 1281b32–34).[5]

The dominant feature of this limited view is the restriction on the power of the people. As such the democracy depicted is in fact an indirect or representative democracy because the power of the people is restricted to the election of the magistrates.[6]

Hansen makes an interesting comparison between the maximum and the minimum tradition, which supports the view that *AP* is conservative on Solon as founder of the democracy. Hansen discovers

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[4] Ibid., 78
[5] Ibid., 95
[6] Ibid., 96.

a common point in the tradition of Solon as described by *AP* and the *Politics*. He notices that the minimum tradition and explicitly the *Politics*, as well as the maximum tradition and especially *AP*, agree that one feature of Solon's constitution was a limitation on the power of the people. In neither tradition were the people the sovereign power as they were in the radical democracy. The point is explicit in the *Politics* which says that the people had only two powers, a limitation which meant that they were not a sovereign power. In the maximum tradition Hansen notes that nothing is said about the regulation of the political action of the people and concludes that the sources, and especially *AP*, imply, *e silentio*, that the ecclesia was not a significant aspect of Solon's constitution. For example, in *AP's* account, the election of magistrates by sortition implies that the ecclesia had no significant role in electing magistrates. Further, the probouleutic role of the Council of 400 (Plut.*Sol.* 19.1) implies again a limitation on the power of the popular ecclesia.

The import of this discussion is that *AP*, like the *Politics*, despite their different views of the constitution of Solon, both take a limited view of Solon as the founder of the democracy. *AP*, 41.2, 29–30, lists the third change in the Athenian constitution: τρίτη δ' ἡ μετὰ τὴν στάσιν ἡ ἐπὶ Σόλωνος, ἀφ' ἧς ἀρχὴ δημοκρατίας ἐγένετο." ("[The] third [change in Athens' constitution was] that under Solon after the civil disturbances, the change which brought about the origin of the democracy" [Rhodes 1984, 86].) All *AP* has to mean here is that Solon's reforms marked a beginning in the direction of the full democracy.

A further sign that *AP's* view is in fact limited is the warning given in connection with the criticism that Solon deliberately made his laws obscure. The reason proffered for such a view is that Solon intended a democratic shift in power from the magistrates to the courts which were in the hands of the people. *AP* (9.2, 4–6) rejects this assessment admonishing that it is not right to read fourth-century practices, i.e. practices of the radical democracy (as expounded by the orators), into the intentions of Solon. Aristotle makes a similar point in the *Politics* (1274a4 ff). When some criticize Solon for making citizen-juries elected by lot an overly dominant power in the state, Aristotle says that later developments should not be mistaken as the developments of Solon. When Aristotle says that Solon founded "δημοκρατίαν τὴν πάτριον" (1273b39) and *AP* says that he established

the "πολιτείαν" (7.1), M. Ostwald thinks that they say so for the same reason, namely, that Solon vested sovereignty in the people by increasing their judicial power.[7] In either case, however, both are expressing an essential but limited reason for Solon's connection with the beginnings of democracy.

[7] See Ostwald 1986, 5.

APPENDIX IV

PARTICULARS IN THE DISCUSSION OF SOLON'S CHRONOLOGY

Sources

The sources for Solon's chronology are as follows:

1. *AP* contains the following as M. Miller excerpts and sets it out in her article, "Solon's Time Table" (the references to the text of *AP* are added):

> The *Ath. Pol.* has the most extended account: "Taking charge of affairs, Solon both (1) freed the people then and forever by forbidding loans upon the person; and (2) legislated; and (3) amputated debts both private and public, which is called Shaking Off of Burdens. . . ." (*AP* 6.1, 22–26). Again: "These are the provisions of Solon's constitution which most benefit the people: the first and greatest is the ban on loans upon the person. . . ." (ibid. 9.1, 22–24). And finally: "These then are the popular benefits in the laws; before the law-code there was the amputation of debts and thereafter the enlargement of both the measures and the weights, and of the coinage. . . ." (ibid. 10.1, 8–11).[1]

2. Plutarch contains the following as Hignett, paraphrases it in, *A History of the Athenian Constitution*:

> Plutarch, however, (*Solon* 14.3; 16.3–5), while ascribing the σεισάχθεια or cancellation of debts to Solon's archonship, believed that an interval of some duration ensued between the Seisachtheia and Solon's codification of the laws. In this interval the people, at first disappointed by the results of the Seisachtheia, learnt to appreciate the benefits that they received from it, and in consequence appointed Solon τῆς πολιτείας διορθωτὴν καὶ νομοθέτην.[2]

The standard interpretation of nos. 1 and 2 is conveniently stated by Sealey:

[1] Miller 1968, 66.
[2] Hignett, 317.

> Solon was eponymous archon in 594/93 and Aristotle assumed that he carried out his political work in that year. Plutarch seems to distinguish two successive commissions entrusted to Solon.[3]

3. The fragments of Solon's poems most often cited in discussions of chronology are frs. 4, 4a, 32, 33, 34, 36, and 37.

4. In connection with this textual evidence the following facts are important: a significant period of disturbance occurred in the years following the traditional date of Solon's archonship in the decade beginning in 590. There was the anarchia in 590/89 and 586/85, where the archon list shows no entries, and there was the extraordinary protraction between 582–580 of Damasias's term as archon with the need arising to have him forcibly removed from office. All together these events signal that the entire period was one of significant unrest.

Hammond's Calculation: Archonship (594) and Constitutional Commission (592)

For Hammond, *AP* 13.1 establishes 594/93 as the year of the archonship. The relevant portion of the text states:

> Σόλωνος δ' ἀποδημήσαντος, ἔτι τῆς πόλεως τεταραγμένης, ἐπὶ μὲν ἔτη τέτταρα διῆγον ἐν ἡσυχίᾳ· τῷ δὲ πέμπτῳ μετὰ τὴν Σόλωνος ἀρχὴν οὐ κατέστησαν ἄρχοντα διὰ τὴν στάσιν, καὶ πάλιν ἔτει πέμπτῳ διὰ τὴν αὐτὴν αἰτίαν ἀναρχίαν ἐποίησαν. μετὰ δὲ ταῦτα διὰ τῶν αὐτῶν χρόνων Δαμασίας αἱρεθεὶς ἄρχων ἔτη δύο καὶ δύο μῆνας ἦρξεν, ἕως ἐξηλάθη βίᾳ τῆς ἀρχῆς.

> In his [Solon's] absence the city continued in a state of turmoil. For four years the peace was kept, but in the fifth the strife prevented the appointment of an archon; and again in the fifth year from that there was no archon for the same reason. Then, after the same lapse of time again, Damasias was appointed archon: he remained in office for two years and two months, until he was removed by force.[4]

Hammond interprets the passage by reckoning inclusively: in 594/93 Solon is archon; ἔτη τέτταρα διῆγον ἐν ἡσυχίᾳ means that Solon's new order obtained without disturbance for four years from the archonship until 591/90; τῷ δὲ πέμπτῳ μετὰ τὴν Σόλωνος ἀρχὴν οὐ κατέστησαν ἄρχοντα διὰ τὴν στάσιν means that in the fifth year after the archonship there was a disturbance and this was the anarchical year

[3] Sealey 1976, 121.
[4] Rhodes 1984, 54.

of 590/89 by inclusive reckoning from Solon's archon year, 594/93; καὶ πάλιν ἔτει πέμπτῳ . . . ἀναρχίαν identifies a second anarchical year in 586/85 by inclusive reckoning from the first anarchical year 590/89. Hammond does not delete the phrase, διὰ τῶν αὐτῶν χρόνων, as some editors do; rather he understands it as another five year period, reckoning inclusively again from the anarchical year 586/85, and identifies 582/81 as the archon year of Damasias who had to be removed from office by force after two years of anarchia.

AP 14.1, however, seems to some to place the archonship in 592/91, but Hammond interprets this text to give the date, not of the archonship, but of Solon's second commission in which he reformed the constitution; *AP* 14.1 states:

> [Πεισίστρατος] κατέσχε τὴν ἀκρόπολιν ἔτει δευτέρῳ καὶ τριακοστῷ μετὰ τὴν τῶν νόμων θέσιν ἐπὶ Κωμέου ἄρχοντος.
>
> [Peisistratus] seized the Acropolis, in the thirty-second year after the enactment of the laws, the arconship of Comeas.[5]

Komeos was archon in 561/60.[6] The following calculation based upon the text of *AP* would seem to place Solon's archonship in the year 592/91 in contradiction of the traditional 594/93 which Hammond accepts and supports by his interpretation of *AP* 13.1: 561/60 plus 32 years equals, by inclusive reckoning, 592/91. This apparent conclusion has caused some editors to make the difficult emendation from "δευτέρῳ" to "τετάρτῳ" adding two years and thus bringing the date back to 594/93.[7] Hammond, however, interprets μετὰ τὴν τῶν νόμων θέσιν, to mean "after the legislation of constitutional reform" that is, after a second commission held separately from and after the archonship. This interpretation saves the traditional date of the archonship and makes *AP* 14.1 consistent with 13.1 and with Plutarch *Sol.* 16.1 which more explicitly suggests two separate commissions for Solon.

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[5] Ibid., 56.
[6] See Marmor Parium, Jacoby FHG 239 A 40.
[7] See, e.g., Cadoux, 93–99, who makes the emendation and thereby rejects Hammond's split of the seisachtheia and nomothesia.

Miller on Chronological Evidence Independent of the Archon List

Miller finds evidence of a late dating for Solon's archonship and reforms in the following sources all of which are independent of the Athenian tradition preserved in the Archon List:

1. Herodotus. At 1.177 Herodotus says that Solon borrowed from Amasis a law consigning to death citizens who could not show gainful occupation at the annual census. Notwithstanding problems with the historicity of such a law, Herodotus did reference some law stemming from Amasis and the dating dependent on this reference remains solid. Miller thinks that it is some law referring to the annual census and registration of the property classes which got a bit garbled in the transmission of information to Herodotus.[8] Miller takes the date of Amasis's ascension to be 574 which creates a *terminus ad quem* for Solon's archonship. Further, Miller dates the ascension of Croesus to 561 and assumes a visit by Solon in the latter part of that year. If the visit is in the last part of his ten-year apodemia, Solon would have finished his work in 571. The completion of his work, according to Miller's relative chronology described in the text, supra, would be two to three years after the archonship which thus could be dated to 574/73.[9]

2. Hellanikos. Herodotus at 1.31 has Solon tell Croesus the story of the bothers Cleobis and Biton for its moral about human happiness. The brothers were sons of a priestess of Hera who were famous for pulling their mother's cart to the goddess's feast when oxen could not be located in time. Amid great praise from people who witnessed the event, the mother prayed to the goddess to give her sons what was best for men. At this, they promptly died. Solon intended this to show Croesus that death is better than life for men because man cannot guarantee the continuation of present happiness. Solon mentions that the Argives dedicated statues of Cleobis and Biton at Delphi.[10] Miller reads Herodotus's text to suggest that Solon himself had seen the statues. Moreover, Solon relates that Cleobis and Biton were victors at the Nemean games. The orthodox foundation date for the Nemian games is 574/3, again a *terminus ad quem* for the archonship agreeing with the dating derived from Solon's connections with Amasis and Croesus. Hellanikos is the likely source of this date for the games. He would have given the date in his famous chronicle "The Priestess of Hera at Argos" (c. 420), because he would have related the famous story about these young Nemian victors. Since it is likely that Hellanikos used only Argive material for his chronicle, the dating of Cleobis and

[8] Miller 1969, 69–70.
[9] Ibid., 70–71.
[10] Ibid., 1969, 71.

Biton to the 570's was made without any concern or reference to Solon or the Athenian tradition of the archon-list.

3. Heraklidus Pontikos. As a biographer Heraklides provided information on Solon's family lineage, his relationship with the young Peisistratus, and his role in the Megaran conflict.[11] The principle materials available to fourth century biographers were Solon's own poems, especially fr. 27, the so-called "Ages of Man" and these, of course, were not dependent on the archon-list. This poem divided the life of man into hebdomads and was influential in the biographical tradition for chronological division. Heraklides informs us of Solon's relationship with a young Peisistratus as his *eromenos*. Miller takes Solon as *eromenos* to have been seven to fourteen years older than Peisistratos. Peisistratos died as an old man in 528. Calculating by hebdomands Miller places Peisistratos birth between 605–598. This, then, places Solon's birth in the hebdomad 619–605 and his archonship in Solon's seventh hebdomand, the appropriate one according to Miller for holding an office of such prestige. This yields a date of 573. Moreover, Heraklides had a reputation as a meticulous and careful scholar. Miller thus contends that he would have consulted Megaran tradition for Solon's involvement in the Megaran conflict, that his hebdomadic dating of Solon's life would have been consistent with this tradition and, accordingly, that his history is independent of the archon-list. Therefore, while Heraklides does not date the archonship, he cannot, according to Miller, have accepted the traditional date of 594/93.

4. Numismatics. All archaeological indications point to a generous maximum of 575 for the issuance of the Athenian didrachma.[12] Therefore, if Solon issued the first Athenian coinage, which Miller believes, he could not have done so in 594/93. And if one holds to the view that all of Solon's work was accomplished within a continuous period including his tenure as archon, then he could not have been archon in 594/93. In the words of Miller:

> In fact, the choice between accepting either Solonian coinage or the date 594/93 goes to the heart of Solonian questions: the date c. 575 for the first Attic coinage is the numismatic maximum, while the date 573/72 for the archonship is the historical minimum—without destroying the whole credit of our sources for early sixth-century Athens, the date cannot be further reduced.[13]

Therefore, in Miller's view, the evidence of the coinage tends to confirm the later dating indicated by the other three independent sources discussed above. But Rhodes says that "we must accept that

[11] For Solon, Peisistratus, and Megara see Plut.*Sol.* 1, 8, 21, and 32.
[12] See Miller, 1969, 79, and notes cited there.
[13] Miller 1969, 79.

the earliest Athenian coins, and even the earliest Aeginetan coins, were issued long after Solon's archonship, and even after the later date which some prefer for his reforms." However, some still defend the later dates for the coins.[14]

[14] See D. Kagen, AJA 96 (1982): 343–60.

APPENDIX V

Πρᾶσις ἐπὶ λύσει

Πρᾶσις ἐπὶ λύσει is a form of real property security, a mortgage so-to-speak, which was well know in the fourth century. The device is evidenced by about 150 horoi stones bearing the inscription πρᾶσις ἐπὶ λύσει. The connection with the horoi stones has caused scholars to associate the device with conditions in Solon's time. However, the use of such terminology requires caution as Fine indicates in his remark that "the fully developed mortgage contract, according to which the creditor on non-payment of the debt due can foreclose on and become owner of the real property which had served as security, cannot exist unless real estate is alienable."[1] A landowner would technically sell property (usually real property) as security for a loan to a lender, but would retain a right to redeem the property from the lender upon repayment of the loan. This right of redemption was an enforceable right to re-purchase the property from the lender; the property had to be of sufficient value to generate the repayment of the loan amount. The loan was identical to the price of the sale, and the sale was structured so that title to the property was transferred to the lender, thus constituting security for repayment of his loan. If the loan was repaid within a contractually specified time-period the lender was obligated by law to re-convey the secured property to the borrower/seller in good condition. Possession of the security, as opposed to the title, which was actually and legally transferred to the lender, could reside in the borrower or the lender as the contract provided. If the debtor failed to pay back his loan when due, the lender automatically (by operation of law as a modern lawyer would describe it) acquired absolute ownership of the secured property. The chief evidence for the details of this particular kind of security contract comes from Dem. XXXIII and XXXVII.

[1] Fine, 171.

APPENDIX VI

THE HOPLITE AND THE POLIS: BRIEF MISCELLANEA

Challenge to the Significance of Hoplite Reform in the Rise of the Polis

The importance of the so-called "hoplite reform" to the rise of the polis has "until very recently been uncontested."[1] The point of contention is the claim that mass fighting existed much earlier than previously thought, and, therefore, the emergence of the hoplite soldier may not have been as significant a part of the revolutionary transformations tied to the advent of the polis as once thought. Thus Raaflaub has said: "We should . . . [expel] from . . . our textbooks . . . the theory of the 'hoplite revolution.' "[2] The evidence for earlier mass fighting comes largely from new views of the description of fighting in Homer. Again, Raaflaub: "That mass fighting is decisive in Homer is of the greatest importance. It eliminates . . . one of the pillars on which traditional views of the evolution of the polis and Archaic Greek society have rested. If the elite did not dominate the battlefield and monopolize military power, the entire picture changes."[3] In this altered view the landowning farmers of the hoplite class coexisted in the emerging polis with a more elite class which did not stand markedly above them. The formalization of the phalanx methods did not in turn formalize the egalitarian structure of the polis. For Raaflaub, rather, the decisive factor was inter-elite conflict which led to written law and similar reforms.[4]

The response to this kind of thinking first challenges the re-reading of Homer for evidence of mass fighting. Snodgrass states in this regard that there is "room for radical disagreement."[5] Proponents of greater political significance for hoplite reform emphasize 1) that the hoplites served the state and not noble overlords; 2) that they

[1] Snodgrass 1991, 18; Raaflaub 1997, 50 ("The theory is still widely accepted").
[2] Raaflaub 1997, 53.
[3] Ibid., 51.
[4] Ibid., 57.

comprised a substantial portion of the citizenry in a polis, about one-third; 3) that the hoplite phalanx was so effective that it could only be met in battle by others employing the same fighting techniques; and 4) that the nobles ultimately came to fight as hoplites themselves.[6] The implications of these points are, respectively: 1) advancement of a more egalitarian citizenship to the extent that serving the state raised the non-noble farmer and lowered the noble; 2) the formation of a middling class with some power to resist noble domination of political policies; 3) an effect of peer polity interaction spreading the political advance which hoplite reform implicated; and 4) the obliteration of noble pre-eminence in at least one dominant aspect of political life, namely, war.

Law Givers and the Deros Inscription: the Polis Idea before the Hoplite

One finds interesting non-archaeological corroboration of Morris's general view that the polis idea preceded hoplite reform in the phenomenon of early law givers. The names and basic work of several of these early legislators are securely known: Lycurgus at Sparta, Pheidon at Corinth, and Philolaus at Thebes. According to consistent traditions, most of these figures worked in the seventh century, were strictly associated with the polis (Zaleukos of Italian Locris and Charondas of Catanae were appointed in the western colonies which were founded as poleis), and each is reputed to have had some connection with legislation affecting the ownership of land.[7] Lycurgus is connected with the Spartan rhetra and with the distribution of kleros lots defining the number of Spartan citizens. Pheidon is said to have secured legislation at Corinth which "guaranteed the rights of individual households to landholdings,"[8] and Philolaus is said to have regulated adoption so as to keep the number of citizens constant.[9] On this point Hölkeskamp says: "It is . . . virtually impossible to point to any legal field in which early written laws seem to have been particularly common—perhaps with one exception: *kleroi, oikoi,*

[5] Snodgrass 1991, 18.
[6] Ibid., 19.
[7] Sealey 1994, 24; Morris 1987, 186; Hammond, 1967, 107.
[8] Morris 1987, 186.
[9] Hammond 1967, 183.

landed property and their preservation, specific rules of inheritance and succession guaranteeing their integrity over generations. These seem to have become an issue of legislation in more than one Archaic *polis*."[10] One may argue that laws to keep the number of citizens constant was contrary to a trend for inclusive citizenship, but the proper emphasis is that legislation of this kind worked against those in a position of power, limiting the authority of the aristocracy, and this therefore confirms an overall broadening of land-based citizenship to include not just the richest and most powerful landowners. The level of concern in landed interests that could support the passage of legislation at this early date is consistent with Morris's claim that the ownership of land was becoming the defining feature of citizenship in the polis. The existence of formalized legislation, which works to the detriment of entrenched aristocracies, is consistent with Morris's claim that the kakoi had successfully asserted their rights against the interests of the agathoi. These last two points support the notion that the polis idea had begun to take hold by the time of the law-givers, prior to the phenomenon of the full hoplite army.

Evidence of a different cast for a pre-hoplite emergence of the polis idea comes from a legal inscription found at Cretan Dreros.[11] It was first published in 1937 by P. Demarque and H. van Effenterre and articulates a restriction in the frequency with which a given person can hold the magisterial office called κοσμος (kosmos). L. Jeffery dates the inscription to the second half of the seventh century.[12] There is an explicit reference to the 'polis' at the beginning of the text: "Αδ' εϝαδε πολι, (εϝαδε is an aorist from ἁνδάνω).[13] Ehrenberg renders this phrase: "This has pleased the city."[14] The editors of the inscription, basing their interpretation on parallels from later Cretan inscriptions, have understood πολι to be equivalent to τοῖς Δρηρίοις, which they took, rightly in Ehrenberg's opinion, to mean the assembly of citizens, that is, the constitutional representative of the *politeia*.[15] The important point is that the polis is formally recognized and

[10] Hölkeskamp, 90.

[11] For a text of the inscription see Ehrenberg 1943, 14.

[12] See citations in Gagarin 1989, 81; for a different dating see Ehrenberg 1943, 14, stating that the inscription is not later than 600.

[13] LSJ *Rev. Supp.* 1996, s.v. ἁνδάνω.

[14] Ehrenberg 1943, 14.

[15] See Ibid., 14 quoting Icret. x.2,2, "εϝαδε τοις Γορτυνιοις."

legally treated as an entity in itself and identified with the community which constitutes it.[16] The act of publishing in written form a universally binding law in the name of the polis indicates, as Runciman says when referring to this very inscription, that "the polis appears along with [the *demos*] as the full-fledged state."[17] Ehrenberg recognized, and Snodgrass after him, that such an early formal identification of the polis with the community presupposed generations of development of the polis idea which came to maturity in the conception expressed in the usage of the inscription.[18] The inscription thus supports Morris's view that the essential polis idea was accepted intellectually and inculcated socially as early as 750 when the undifferentiated burials appeared. By the middle of the seventh century the needs of the polis were able to be seen as distinct from the needs of each member of the polis. At the same time the good of the polis was able to be seen as the good of the members.

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[16] See Ehrenberg 1969, 38–39, saying that Politeia meant the community of those who were citizens.

[17] Runciman, 359.

[18] See Ehrenberg 1943, 14 and Snodgrass 1993, 34.

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AJAH	*American Journal of Ancient History*
AJP	*American Journal of Philology*
BSA	*Annual of the British School at Athens*
CP	*Classical Philology*
CR	*Classical Review*
CQ	*Classical Quarterly*
HSCP	*Harvard Studies in Classical Philology*
JHS	*Journal of Hellenic Studies*
PCPhA	*Proceedings of the Cambridge Philological Association*
PP	*La Parola del Passato*
RE	A. Pauly, G. Wissowa, and W. Kroll, *Real Encyclopadie der classischen Altertumswissenchaft*
TAPA	*Transactions of the American Philological Association*
TPhS	*Transactions of the Philological Society*
ZPE	*Zeitschrift für Papyrologie und Epigraphik*

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